EXHIBIT U

1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

--x

DONNY A. SINKOV, as Administrator of the
Estate of SPENCER E. SINKOV, deceased,
DONNY A. SINKOV and HARA SINKOV,

       Plaintiffs,

    -against-

DONALD B. SMITH, individually and in his
official capacity as Sheriff of Putnam
County, JOSEPH A. VASATURO, individually,
LOUIS G. LA POLLA, individually, THE COUNTY
OF PUTNAM, NEW YORK, and AMERICOR, INC.,

       Defendants.

--x

         222 Bloomingdale Road
         White Plains, New York
         January 16, 2008
         10:18 a.m.

   EXAMINATION BEFORE TRIAL of MICHAEL OLIVER,

a witness on behalf of the Defendant - COUNTY OF

PUTNAM in the above-captioned matter, held

pursuant to Notice at the above time and place,

before a Notary Public of the State of New

York.

           Tracy Smith,
24   Shorthand Reporter

25

     COMPU-TRAN SHORTHAND REPORTING

3

1

2   IT IS HEREBY STIPULATED AND AGREED,

3 by and between the attorneys for the respective

4 parties hereto, that the sealing and filing of

5 the within deposition be waived; that such

6 deposition may be signed and sworn to before any

7 officer authorized to administer an oath with

8 the same force and effect as if signed and sworn

9 to before a Justice of this Court.

10

11   IT IS FURTHER STIPULATED AND AGREED

12 that all objections, except as to form, are

13 reserved to the time of trial.

14

15   IT IS FURTHER STIPULATED AND AGREED

16 that the within examination and any corrections

17 thereto may be signed before any Notary Public

18 with the same force and effect as if signed and

19 sworn to before this Court.

20

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25

     COMPU-TRAN SHORTHAND REPORTING

2

2 APPEARANCES:

3

4 LOVETT & GOULD, LLP
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    White Plains, New York 10605
6 BY: KIM BERG, ESQ.

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14 SANTANGELO, RANDAZZO & MANGONE, ESQS.
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15   JOSEPH A. VASATURO
    COUNTY OF PUTNAM
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17 BY: JAMES A. RANDAZZO, ESQ.

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19 WILSON, ELSER, MOSKOWITZ, EDELMAN &
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21   3 Gannett Drive
    White Plains, New York 10604-3407
BY: BERNICE E. MARGOLIS, ESQ.

23 ALSO PRESENT: Donny Sinkov
24   Donald Smith

25

     COMPU-TRAN SHORTHAND REPORTING

4

1

2   M I C H A E L   O L I V E R,

3 having been duly sworn by Tracy Smith,

4 a Notary Public within and for the State

5 of New York, was examined and testified

6   as follows:

7

8   oOo

9

10 EXAMINATION BY MS. BERG:

11   Q.   State your name and address for

12 the record, please.

13   A.   Michael Oliver, 3 County Center,

14 Carmel, New York 10512.

15   Q.   I'm Kim Berg. I represent Donny

16 Sinkov and Hara Sinkov and the estate of

17 Spencer Sinkov in connection with a lawsuit

18 that they brought against the county, the

19 sheriff and Correction Officer Vasaturo and

20 Sergeant LaPolla as well as the company

21 known as Americor.

22   I'm going to be asking you some

23 questions today. What I want you to do is

24 let me know if there's anything I say that

25 you do not understand.

     COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

1
2   A.   Okay.
3   Q.   Verbalize all of your responses so
4 they can be taken down for purposes of a
5 transcript.
6   A.   Okay.
7   Q.   Try to wait for me to finish the
8 complete question before you give the
9 answer, even though you may know or think
10 you know what I'm going to ask.
11   A.   Okay.
12   Q.   Do you understand all that?
13   A.   Yes.
14   Q.   If you give an answer during the
15 deposition that you feel is incorrect or
16 incomplete, please interrupt me at any point
17 in time, certainly before you leave here
18 today so we make sure we have complete and
19 accurate answers. Do you understand that?
20   A.   Yes.
21   Q.   Could you describe your
22 educational background?
23   A.   I have a high school diploma. I
24 think 36 credits in the criminal justice
25 from the community college. I don't have a

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

1
2   Can you describe what your job
3 duties and responsibilities are as a
4 correction officer with the sheriff's
5 department?
6   A.   Supervise inmates. Tend to their
7 needs. Make sure they don't get in fights.
8 Make sure nobody pushes on them. Transport
9 them to court and transport them to other
10 things like that. Deal with inmate families
11 when they come for visitation. Answer
12 phones. Open gates and stuff. Depends what
13 post you're working. Some posts you're in
14 the control room. You have to open the
15 gates and close the gates.
16   Q.   Have you held the various posts?
17   A.   Pretty much we rotate our posts.
18 There's no assigned post per se.
19   Q.   Have you ever had any post
20 involving the intake or booking of inmates?
21   A.   I have. I don't do it often, but
22 there have been times I've been in the
23 booking room.
24   Q.   Since July 1998, how often have
25 you performed that function?

COMPU-TRAN SHORTHAND REPORTING

6

MICHAEL OLIVER

1
2 diploma.
3   Q.   When was the last time you
4 attended any college or institution?
5   A.   Probably '94/95-ish.
6   Q.   What institution were you
7 attending at that time?
8   A.   Dutchess Community College.
9   Q.   Is that where the 36 credits are
10 from?
11   A.   Yes.
12   Q.   Are you currently employed?
13   A.   Yes.
14   Q.   In what capacity?
15   A.   I'm a correction officer for the
16 Putnam County Sheriff's Department.
17   Q.   For how long have you held that
18 position?
19   A.   Nine and a half years.
20   Q.   When did you start?
21   A.   July of '98.
22   Q.   Have you held the same title from
23 July of 1998 --
24   A.   Yes.
25   Q.   -- to present?

COMPU-TRAN SHORTHAND REPORTING

8

MICHAEL OLIVER

1
2   A.   Probably just guessing, maybe ten
3 times.
4   Q.   Do you have any understanding as
5 to why you're not regularly or more
6 regularly assigned to that post?
7   A.   They try to keep certain people
8 in it. It's a post that the more knowledge
9 you have, the easier it is. It's not
10 something you really want to rotate in and
11 out one day a month. You miss a lot.
12   Q.   Why is that?
13   A.   Because you have to go through,
14 do the screenings and computer entries. And
15 if you don't do the computer entries often,
16 it's hard to do the computer. They trained
17 us, but I don't know how to do the computers
18 anymore to do the entry. That's pretty much
19 one of the main reason is doing the computer
20 work. When you don't do it for a long time,
21 you don't remember how to do it.
22   Q.   Have you ever received any
23 training with respect to that post, the
24 intake or booking position?
25   A.   A little bit of training.

COMPU-TRAN SHORTHAND REPORTING

9

MICHAEL OLIVER

2 Q.   When was that?
3 A.   It was never really --
4 probably -- I don't remember. Probably back
5 in early 2000.
6 Q.   With respect to that training, was
7 it in-service training, was it on the job or
8 something else?
9 A.   It was on the job just as you go.
10 I didn't really receive any formal sit-down
11 training that day. We have had training, I
12 believe. It was probably back in the summer
13 2006 on a new computer system that's in
14 there. That's the most formal training that
15 I've had in there.
16 Q.   Have you ever had the post at the
17 North Housing Unit?
18 A.   Yes.
19 Q.   How often have you done that since
20 July '98?
21 A.   Maybe seven or eight times a year
22 maybe. It fluctuates.
23 Q.   Where are you typically assigned?
24 A.   Usually, I'm either upstairs in
25 East Housing Unit, West Housing Unit, main

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

2 prior to 2008, let's say in 2007, do you
3 recall when you worked there?
4 A.   I don't recall. I know I worked
5 in there. I don't recall what dates I
6 worked in there.
7 Q.   You indicated that you worked
8 there last week and then the week before?
9 A.   I believe.
10 Q.   Prior to that, when was the most
11 recent time?
12 A.   Maybe back in December at some
13 point in time. I know I've had it a couple
14 times recently.
15 Q.   What are the duties of the North
16 Housing post officer?
17 A.   Conduct checks of the unit. If
18 there's no program officer, handle programs
19 that come in to the program. Rooms are
20 right by the North Housing Unit desk.
21 Q.   You indicated there was a rec
22 yard, also?
23 A.   Yes.
24 Q.   What's your responsibility in the
25 North Housing Post for that?

COMPU-TRAN SHORTHAND REPORTING

10

MICHAEL OLIVER

2 control room or inmate escort officer.
3 Q.   When was the last time that you
4 had any role with respect to the North
5 Housing Unit?
6 A.   I think last week I worked down
7 there.
8 Q.   How about prior to that?
9 A.   I think the week before I may
10 have worked in that.
11 Q.   That's twice already in 2008. Is
12 that unusual?
13 A.   Yes. And I don't know. It's a
14 rotating post. Some days you get it, some
15 days you don't. It may be more than seven
16 or eight. I'm not positive. Sometimes you
17 get bumped out of the post. If people want
18 to work, you can switch posts. If someone
19 wants to work North, I'd rather work East or
20 West Housing Unit. I don't smoke. A lot of
21 people smoke. There's a rec yard where you
22 can smoke.
23 Q.   Where, at North Housing Unit?
24 A.   Yes.
25 Q.   With respect to North Housing Unit

COMPU-TRAN SHORTHAND REPORTING

12

MICHAEL OLIVER

2 A.   Pretty much there's an officer
3 that will do rec if there's recreational
4 going on. You just have the key for the
5 yard to let them in and out.
6 Q.   Any other responsibilities as part
7 of the North Housing Unit post?
8 A.   Sometimes you have to go to
9 medical when inmates come down to medical.
10 The medical department is over there.
11 Q.   To bring the inmate there?
12 A.   If you have the inmate on your
13 unit, you bring the inmate over there. If
14 inmates come down from other parts of the
15 jail and no one is available to sit with the
16 nurse, you may have to go there. You
17 usually have the inmate escort officer do it
18 but if he's not available.
19 Q.   Any other duties on North Housing
20 Unit?
21 A.   Not that I can think of right
22 now.
23 Q.   With respect to the program
24 officer post, do you know when that's
25 manned?

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

1
2 A. Monday through Friday.
3 Q. Are there programs then on the
4 weekends?
5 A. There are limited programs on the
6 weekends at times.
7 Q. When you said you handled programs
8 if no program officer is available, would
9 that be typically be on the weekends or
10 other times?
11 A. Weekends and evenings.
12 Q. You indicated -- withdrawn.
13 When is the inmate escort officer
14 post filled?
15 A. Every shift, I believe, now.
16 Q. When did that start?
17 A. Well, there was always an inmate
18 escort officer on the day shift and
19 afternoon shift. I believe there's an
20 inmate escort officer on the midnight, which
21 I believe started last year.
22 Q. How about weekends?
23 A. It's the same. Inmate escort
24 officer is the same, the number of people on
25 the shift.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 every 15 minutes?
3 A. Within the 15 minutes.
4 Q. In what circumstances?
5 A. What their classification is when
6 they come in. What the booking officer puts
7 them in as or what medical or mental health
8 would put them in as.
9 Q. Are there two separate units - one
10 for medical and one for mental health?
11 A. No.
12 Q. It's the same?
13 A. North Housing Unit is basically
14 the maximum security area.
15 Q. You indicated depending on what
16 classification they're given by booking,
17 medical or mental health?
18 A. Medical and mental health are
19 together. The nurse or the social worker,
20 whoever might want to put someone on a
21 15-minute check. If they're on 15-minute
22 check, they're usually in North Housing
23 Unit. It's just the unit.
24 Q. In terms of the nurse or the
25 social worker as far as you know, are they

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 Q. So, has that always been manned on
3 the day shifts, on the weekends?
4 A. Inmate escort officer, yes.
5 Q. When you say if there's no inmate
6 escort available --
7 A. He might be doing reliefs. On
8 the weekends, the inmate escort officer does
9 the recreation downstairs, because there's
10 no recreational officer on the weekend.
11 Q. You said that you have to do
12 checks on inmates?
13 A. Yes.
14 Q. What do you mean by that?
15 A. Walk through the unit. Visually
16 look at the inmates.
17 Q. Is that true on every unit?
18 A. Yes.
19 Q. How often are you required to do
20 that?
21 A. Depends what supervision they're
22 on.
23 Q. Can you describe what you mean?
24 A. 15 minutes or half hour.
25 Q. When are you required to do it

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 employed by Putnam County Sheriff's
3 Department or Americor or something else?
4 A. As far as I know, Americor.
5 Q. Do you know when Americor came
6 into the facility?
7 A. Five years ago. I'm not exactly
8 sure of the date.
9 Q. In your experience, have employees
10 of Americor placed inmates on the 15-minute
11 checks?
12 A. Yes.
13 Q. And 30-minute checks, are those
14 the routine checks?
15 A. That's the routine active
16 supervision or routine supervision.
17 Q. Is there a difference between
18 active and routine supervision?
19 A. Active is basically when inmates
20 are out of the cells all day. Routine is
21 just what we go by for a 30-minute check.
22 Q. Is there anything that's required
23 when the inmates are out of their cell in
24 terms of supervision that differs from
25 routine supervision?

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

1   A.   No. You can just -- if they're
2   out of the cell -- it depends what block
3   you're on. If you're on a direct
4   supervision unit and they're out of the
5   cells, you can see them wherever they are.
6   Q.   Is North Housing Unit a direct
7   supervision?
8   A.   No, it's a linear style.
9   Q.   Can you describe what that means?
10   A.   Linear is a box set up. The
11   inmates stay in the cell or cellblock. They
12   don't have a big day area. It's a little
13   day room area in front of the cells.
14   Direct supervision, the cell
15   lines the unit and they come out and it's a
16   big day area.
17   Q.   Are the inmates on the North
18   Housing Unit permitted to come out of their
19   cells?
20   A.   Depends what classification they
21   are.
22   Q.   What is the classification?
23   A.   There's unclassified, then
24   there's, I believe, four levels of

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

1   A.   No.
2   Q.   Are there any requirements in
3   terms of the supervisory checks that are
4   different in North Housing Unit from other
5   units?
6   A.   You have to log your checks in on
7   the North Housing Unit, whereas on the
8   direct supervision unit, you don't have to
9   log your checks in.
10   Q.   When you say log in checks, you
11   mean physically write down?
12   A.   Yes. Physically write down that
13   you checked.
14   Q.   In addition to routine and
15   15-minute supervision, are you familiar with
16   constant supervision?
17   A.   Yes.
18   Q.   Has that ever been one of your
19   responsibilities?
20   A.   Yes.
21   Q.   How often since July of 1998?
22   A.   It fluctuates. I just did one
23   last night. The luck is drawn. I don't
24   remember how many times I've done it. I've

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1   classification. There's -- I'm trying to
2   remember. There's green tag worker.
3   Inmates that go out and do work details.
4   There's orange tag which is general custody.
5   And there's yellow tag which is close
6   custody. Then there's red tag, which is
7   close custody special.
8   Q.   Which inmates are permitted in
9   North Housing Unit to come out of their
10   cell?
11   A.   Anyone that's not unclassified or
12   pending disciplinary action.
13   Q.   When these inmates are permitted
14   to come out of their cell, where do they go?
15   A.   There's a little day room area in
16   front of their cell. It depends which block
17   they're in. The four man cells have a
18   telephone and a shower in it.
19   Q.   This is on North Housing Unit?
20   A.   Yes.
21   Q.   In terms of the individuals when
22   they're out of their cell, can the officer
23   who's manning the North Housing Unit post
24   see all of them?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1   done it quite a few times. Whatever luck of
2   the draw you get put on it.
3   Q.   What are you required to do during
4   constant supervision?
5   A.   Watch the inmate constantly.
6   Supposed to make checks every 15 minutes in
7   your logbook. Anything unusual that the
8   inmates does, you have to log in the
9   logbook. Anything happens with the inmate,
10   you call for help. Let the sergeant know.
11   Q.   In terms of constant supervision,
12   who's responsible for placing an inmate on
13   constant supervision - the booking, medical
14   or mental health?
15   A.   It depends. It could be anybody.
16   If it's when they first come in, normally
17   booking does it. Somebody could have
18   something happen during their time there.
19   They might not feel comfortable and put them
20   on the constant watch. They might talk to
21   the social worker and say something to the
22   social worker. Or someone might call from
23   the outside and say he just talked to me and
24   said he's going to kill himself or whatever

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 and they might put him on constant watch.
3   Q.   Have you ever had occasion to
4 indicate that constant supervision should be
5 implemented for an inmate?
6   A.   I have.
7   Q.   You have?
8   A.   Yes.
9   Q.   How many occasions?
10   A.   I think once.
11   Q.   Do you recall when that was?
12   A.   I believe it was last summer.
13   Q.   What happened in that case?
14   A.   The inmate had been on a constant
15 watch previously, and they had taken him
16 off. I was walking by his cell. He didn't
17 look -- he looked like he was upset. I
18 asked him if he was all right.
19   And he said no.   He wanted to
20 talk to the social worker.
21   So I asked him if he was going to
22 hurt himself.
23   He said he didn't know.
24   I said, I'll put you on constant
25 watch until the social worker comes in.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 moved?
3   A.   North Housing Unit, cell five or
4 six.
5   Q.   Do you know for how long he was
6 off the constant watch as of the time you
7 had this conversation with him?
8   A.   No, I don't know.
9   Q.   In terms of the North Housing Unit
10 post, when you come on duty, are you advised
11 in any way about whether inmates on that
12 post are unclassified or PDA?
13   A.   Normally, you'll ask the officer.
14 The officer is supposed to give you a
15 briefing as to what's going on.
16   Q.   Which officer?
17   A.   The officer on the post
18 previously to you. They normally leave a
19 check sheet that has the list of the
20 inmates, whether or not they're unclassified
21 or not.
22   Q.   Does the check sheet indicate
23 anything else?
24   A.   No. It's just a piece of paper
25 that they write on.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   How much time past between then
3 and when the social worker came in?
4   A.   I believe he was there that
5 afternoon.
6   Q.   Who did you advise that the inmate
7 should be on constant watch?
8   A.   My sergeant.
9   Q.   Who was that?
10   A.   I don't remember.
11   Q.   Did you have the responsibility of
12 doing the constant watch for that inmate?
13   A.   Well, I watched him until we took
14 him out of the cell, and then I'm not sure
15 what officer actually did the constant
16 watch.
17   Q.   He was moved to a different
18 location?
19   A.   Yes. Normally, they put the
20 constant watches in what's known as North
21 Housing Unit-2.
22   Q.   How many cells are in North
23 Housing Unit-2?
24   A.   Four cells.
25   Q.   Where was he housed before he was

COMPU-TRAN SHORTHAND REPORTING

24

MICHAEL OLIVER

1
2   Q.   Does it have all the inmates'
3 names?
4   A.   The ones we've been using, they
5 write the inmate's name as to what cells.
6   Q.   Is it a form or --
7   A.   No. Just a blank piece of paper.
8 It's patterned off at the North Housing Unit
9 desk, there's a dry erase board that has the
10 layout of the cells and inmate's name and
11 what classification they are. Normally, the
12 booking officer will give you a list during
13 the day as to the housing list as to what
14 inmates are there.
15   Q.   So when you come on the North
16 Housing Unit post, other than being told
17 about those that are unclassified or PDA,
18 are you told about what level of supervision
19 is required?
20   A.   Yeah. They'll tell you if
21 there's 15s or not.
22   Q.   Is this verbally or in writing?
23   A.   Verbally but it's in writing on
24 the board.
25   Q.   Who tells you?

COMPU-TRAN SHORTHAND REPORTING

25

MICHAEL OLIVER

1
2   A.   The officer you just relieved.
3   Q.   You said it is or is not in
4   writing?
5   A.   Normally, it's in writing on the
6   board.
7   Q.   In terms of being told that there
8   are individuals who are on 15-minute watch,
9   does the officer who's going off duty advise
10   you as to the reason for that 15-minute
11   watch?
12   A.   If they know. If they don't,
13   sometimes you just get in and says on
14   15-minute supervisory check due to answers
15   given. Sometimes it's because of medical.
16   If they're on medication and they don't have
17   it.
18   Q.   And sometimes you're not given a
19   reason?
20   A.   No.
21   Q.   No, you're not?
22   A.   Sometimes you don't get a reason.
23   Sometimes you don't ask because if you know
24   someone's been down there for months and
25   months because they're a severe diabetic,

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Have you ever seen those?
3   A.   I probably have. When they come
4   out with a new thing, they bring it down.
5   We have to sign off on it. We don't get an
6   actual copy of it. We get to read it, and
7   it goes on the procedure book, whatever post
8   you're on.
9   Q.   Do you recall ever receiving
10   anything with respect to the booking officer
11   position that you had to sign off on?
12   A.   To the booking officer position,
13   I don't recall. But I know that -- I
14   believe there was some policy put out.
15   Q.   Do you recall when that was?
16   A.   I believe it was probably in the
17   summer 2006.
18   Q.   What do you recall about that new
19   policy?
20   A.   I'm not sure if it's a policy. I
21   know there was in writing that the sergeant
22   has to be notified whenever any intake
23   screening is finished. That the sergeant
24   has to go over it. I believe they have to
25   notify the undersheriff.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   you know they're on a 15-minute check for
3   that.
4   Q.   Are you aware of any requirements,
5   policies, rules, regulations, anything that
6   requires the officer who's going off post on
7   the North Housing Unit to advise the
8   incoming officer the reason for the
9   15-minute check?
10   A.   No.
11   Q.   Are you familiar with any policies
12   with respect to different levels of
13   supervision - routine, 15 minute and
14   constant watch?
15   A.   I believe there is. I'm not
16   positive.
17   Q.   Do you recall ever seeing any in
18   writing?
19   A.   I probably have, but I don't
20   recall.
21   Q.   Do you know if there are any
22   policies with respect to the booking or
23   intake position and assigning these levels
24   of supervision?
25   A.   I believe there is.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   In all cases?
3   A.   Yes. That's my understanding.
4   Q.   That would be for each new inmate?
5   A.   Yes.
6   Q.   So, it's your understanding the
7   new policy that came out in the summer of
8   2006, required sergeant notification at the
9   conclusion of the intake?
10   A.   Yes. I don't know if it was an
11   actual policy. I know it was handwritten in
12   the booking room on a piece of paper
13   somewhere. I seen it in there.
14   Q.   Do you recall when the last time
15   was that you saw that handwritten --
16   A.   I don't even remember. It might
17   still be in there, but I don't know.
18   Q.   Do you know who's required
19   according to this handwritten document to
20   notify the undersheriff?
21   A.   It would normally be the shift
22   supervisor, the sergeant.
23   Q.   How long was this handwritten
24   document?
25   A.   I think it was scribbled on a

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

piece of paper from what I saw. It was in the booking room.

Q.   Was it posted or laying out?

A.   I believe it was taped on the inside of the booking desk.

Q.   Were you required to sign off on that in any way?

A.   That actual thing, no. If there was a policy about it, we were, but I can't remember without seeing it.

MS. BERG: I'm going to call for the production of anything that's in the booking room currently or in the past with respect to notification to the sergeant or the undersheriff.

DOCUMENT/DATA REQUESTED:_____

Q.   Other than that, any other new or modified policy that you're aware of which pertains to, in any way, the levels of supervision or the intake of inmates?

A.   There may have been, but I don't remember what they were. I know we had a lot of policies come out. I don't know exactly what each policy was.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

A.   Sometime last year. Probably April last year, roughly.

Q.   Prior to that, when was the most recent occasion you received training pertaining to that form?

A.   The year before. I don't know what month.

Q.   Was there anything new or different in the training you had in 2007 as it concerned that form?

A.   I don't think there was that I can remember, except for the, I think, they told us we had to notify the sergeant.

Q.   And that wasn't something --

A.   No matter what. Before that, I believe it was the thing on the actual screening list that told you what you had to do if so many answers were answered to notify the sergeant. But I believe after that, it was -- as of last year, it was notify the sergeant to review the thing anyway, no matter what the answers were.

Q.   On any intake?

A.   Yes.

COMPU-TRAN SHORTHAND REPORTING

30

MICHAEL OLIVER

Q.   Were you ever advised of any rule, regulation or policy at the Putnam County Correctional Facility with respect to the Suicide Screening Guideline form?

A.   I don't think so.

Q.   You're familiar with that form?

A.   Semifamiliar. I don't fill it out that often, but we do go over it on training every year.

Q.   When you say on training, is this in-service training?

A.   Yes.

Q.   Who provides you with that training?

A.   The training officers of the jail.

Q.   Who are they?

A.   At this moment in time, Sergeant Greno, Officer Spinelli. I believe Officer Villani and Lieutenant O'Malley, I believe are the training officers now.

Q.   When was the last time that you received any training with respect to that form, the Suicide Screening Guidelines?

COMPU-TRAN SHORTHAND REPORTING

32

MICHAEL OLIVER

Q.   Do you believe that was consistent with the handwritten policy that you saw in the booking room --

A.   Yes.

Q.   -- sometime in the summer of 2006?

A.   Yes. In the booking room, it was just a note, but I believe there was a policy of some sort that went with it.

Q.   Do you recall?

A.   I don't remember exactly.

Q.   Were you familiar with any changes to the policies with respect to 15-minute supervision and constant supervision?

A.   I don't think so.

Q.   Do you recall any changes in any policies -- withdrawn.

Do you recall any policies being placed in these books or having to sign for any policies in or about the summer of 2006 which related in any way to high-risk inmates, meaning at high risk for suicide?

A.   There may have been, but I don't remember. I know there was a bunch of policies came out.

COMPU-TRAN SHORTHAND REPORTING

33

MICHAEL OLIVER

1
2   Q.   Did you ever see Exhibit 1, the
3   form?
4   A.   Yes.
5   Q.   Do you recall when?
6   A.   When I first started, they gave
7   us training in this. And every year we go
8   through our refresher course. If I work in
9   booking, you go through this with booking
10 when you do your intakes.
11 Q.   And do you believe that's the
12 actual form that's used at the County of
13 Putnam?
14 A.   It does look like it. I would
15 say that it is.
16 Q.   Take a look at the bottom where it
17 has indication of the inmate's score.
18 "Eight or higher or any shaded box is
19 checked, notify supervisor." And it says,
20 "And institute constant watch;" do you see
21 that?
22 A.   Yes, I do.
23 Q.   Do you believe that's on the form
24 that Putnam County uses?
25 A.   I believe it is. I don't know if

35

MICHAEL OLIVER

1
2   A.   I don't believe so, but I can't
3   remember what form we went over last year in
4   training.
5   Q.   Look at the second page which is a
6   sheet of instructions. Have you ever seen
7   anything like that in the correctional
8   facility or during training or anything
9   else?
10 A.   It does look kind of familiar,
11 but I don't remember actually seeing this
12 piece of paper. Normally when they do the
13 training, it is all video and Power Point.
14 So I don't think -- I don't remember seeing
15 this.
16 Q.   Go to Exhibit 3. Then the form
17 which says at the top SOJ-32; do you see
18 that?
19 A.   Yes.
20 Q.   Do you recall that's part of a
21 packet that the booking officer fills out on
22 a new incoming inmate?
23 A.   Yes.
24 Q.   That's one of the forms in that
25 packet; correct?

34

MICHAEL OLIVER

1
2   the "and institute constant watch" is on
3   there, but I know there is something on
4   there about contacting the supervisor.
5   Q.   Take a look if you would at
6   Exhibit 3. It's similar but a different
7   form.
8   A.   Yes.
9   Q.   Looking at both of them now in
10 front of you, do you recall whether Exhibit
11 1, the ADM-330, has ever been used in your
12 experience at the correctional facility at
13 Putnam County?
14 A.   I don't know if this one has been
15 used.
16 Q.   This one being Exhibit 1?
17 A.   I have not used it myself. I
18 have not filled out one in a while. I know
19 this one I've seen fill out. I filled one
20 out myself. (Indicating)
21 Q.   You're indicating Exhibit 3 you
22 filled out?
23 A.   Yes.
24 Q.   Going back to Exhibit 1, did you
25 ever receive training on that form?

36

MICHAEL OLIVER

1
2   A.   Yes.
3   Q.   With respect to the form itself,
4   do you have any -- withdrawn.
5   Has that form been the form
6   you've had experience with since July 1998,
7   or did it come in some point thereafter?
8   A.   I'm not exactly sure what started
9   originally, because I didn't really do the
10 booking room. I had the training. I
11 believe, this part of it, I believe, over
12 the years, changes have been made. I don't
13 know if it's our changes or state changes,
14 but I know they have made slight changes
15 over the years.
16 Q.   What's your understanding based on
17 your training or experience in the facility
18 as to the purpose of that particular form
19 Exhibit 3?
20 A.   As far as -- I wasn't even --
21 Q.   Why is it administered?
22 A.   To prevent inmates from killing
23 themselves, hurting themselves, make sure
24 you put them on the right type of
25 supervision based on the answers that they

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MICHAEL OLIVER

1
2 give you. Make sure they get the right
3 supervision. That medical knows and mental
4 health knows. Mental health goes through
5 medical so you put them on the right watch.
6   Q.   Have you received any --
7 withdrawn.
8   Are you familiar with any written
9 policies or procedures at the Putnam County
10 Correctional Facility with respect to what
11 type of watch should be instituted based on
12 the answers of that screening?
13   A.   I'm not positive. I don't
14 believe there is other than what was written
15 on the bottom with the eight or more and
16 notify shift supervisor that was on there.
17 I believe that was based on judgment call.
18   Q.   What is based on a judgment call?
19   A.   What watch they were put on.
20   Q.   Who makes the judgment call?
21   A.   Normally, the sergeant. You
22 would recommend it to the sergeant. If it
23 was someone that had eight or more or two
24 shaded boxes, you would call the sergeant
25 and let them know.

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

1
2   A.   I don't think I have. Because I
3 haven't done that many. I don't believe
4 I've had. I've called the sergeant.
5 Actually, I take that back. I did have once
6 there was an inmate that just came back from
7 the state psychiatric hospital, so he did
8 have one shaded box. He said he tried to
9 kill himself, but no one was positive if he
10 tried to kill himself. He had ingested a
11 lot of water and water poisoned himself.
12   Q.   With respect to that situation,
13 did you do anything in terms of notifying a
14 supervisor?
15   A.   I let the sergeant know.
16   Q.   Who was the sergeant?
17   A.   That day, I believe it was
18 Sergeant Marrow.
19   Q.   Do you recall when that happened?
20   A.   I believe it was sometime last
21 year. I did this because we brought him
22 back from the psychiatric hospital upstate.
23 We picked him up upstate and brought him
24 back.
25   Q.   Did you make a recommendation to

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Was it one shaded box?
3   A.   I would let him know.
4   Q.   The sergeant?
5   A.   Yes.
6   Q.   Have you ever been told that
7 there's any policy or procedure at Putnam
8 County that requires that?
9   A.   I don't believe there was. I'm
10 not positive on the suicide screening form
11 as to the policy.
12   Q.   With respect to the eight or more
13 or the shaded box, what, if anything, have
14 you been trained or instructed on, that that
15 indicates?
16   A.   That they're at a higher level.
17 They might do something to themselves.
18   Q.   Have you ever had a situation
19 where you've completed the screening form,
20 Suicide Prevention Guidelines and an
21 individual scored eight or higher?
22   A.   I have not.
23   Q.   Have you ever had a situation
24 where someone had a shaded box checked, you
25 personally?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 the sergeant in that case about the level of
3 supervision?
4   A.   Yes -- I can't remember if I did.
5 I think I told him 15.
6   Q.   Why did you do that?
7   A.   Because he was upstate at the
8 psychiatric hospital, and they discharged
9 him. He didn't show any signs. He was a
10 totally different person than when they
11 brought him up there. He was coherent. He
12 talked to you. Seemed like a totally
13 different person, but he still had done what
14 he did before, trying to drink himself of
15 all the water. Technically, I guess he had
16 tried to kill himself. I'm not sure what
17 his medical outcome was. I don't know what
18 the psychiatric hospital found or any of the
19 doctors found but I figured just in case
20 when the social worker came to see him, put
21 him on 15-minute check.
22   Q.   Do you recall what his total score
23 was in that case?
24   A.   It was a one. Just one shaded
25 box, I believe, as I remember.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Did you ever -- withdrawn.
3   Are you aware of any policies or
procedures at the Putnam County Correctional
Facility that require constant watch for an
6   inmate who scores eight or higher on the
7   suicide screening form?
8   A.   I'm not even sure.
9   Q.   Are you aware of any policies or
10   procedures at the Putnam County Correctional
11   Facility that require constant watch if an
12   individual has any one or more shaded box
13   checked?
14   A.   I don't believe so.
15   Q.   As part of your training or
16   instruction as a correction officer in any
17   shape or form, either on-the-job training or
18   in-service training or anything else, have
19   you ever been told there's a difference
20   between a high-risk inmate and an inmate who
21   is, quote, suicidal?
22   A.   No.
23   Q.   In your mind, do you believe that
24   those are two separate categories of
25   inmates?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   A.   Yeah. The questions are the
3   same. I don't know about the bottom part.
4   Q.   As part of your training, were you
5   ever advised that New York State regulations
6   or minimum standards require constant
7   supervision if someone scored eight or
8   higher on a Suicide Prevention Screening
9   form?
10   A.   No, I was not.
11   Q.   Did anyone advise you as part of
12   your training that any form on the job or
13   otherwise, that if one or more shaded box is
14   checked, constant supervision is required by
15   state regulations?
16   A.   No.
17   Q.   Did anyone ever advise you as part
18   of your training, that constant supervision
19   is deemed to be the only effective
20   supervision for high risk or suicidal
21   inmate?
22   A.   I believe so. I don't know
23   exactly what the determination would be, but
24   if they're high risk or suicidal, constant
25   supervision, they would tell us to do.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   A.   I wouldn't think so. I don't
3   know what the difference between high risk
4   and -- suicidal, if they tried killing
5   themselves in front of you when they got
6   there. I'm not sure what the difference
7   would be.
8   Q.   Were you ever trained about any
9   New York State regulations or standards
10   pertaining to the administration of the
11   Suicide Prevention Screening Guidelines?
12   A.   It was my understanding that this
13   was basically it. (Indicating)
14   Q.   "This" meaning Exhibit 3?
15   A.   Yes. I thought this was the
16   state form that we used.
17   Q.   Do you recall what you base that
18   understanding on?
19   A.   The training that we have, the
20   videos that we watch, the form that we have
21   looks a lot like this. I don't know what's
22   different on it, per se. But the actual
23   checkoff list is the same.
24   Q.   Meaning the questions one through
25   16?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Who would tell you to do?
3   A.   In training.
4   Q.   Are you aware of any Putnam County
5   policies that memorialize what you were told
6   in training?
7   A.   I'm sure there is, but I can't
8   remember offhand. I don't think I've ever
9   seen one directed towards this.
10   Q.   Are you aware of any policies or
11   procedures in the Putnam County Correctional
12   Facility regarding inmates who come into the
13   facility with any kind of drug or alcohol
14   issues?
15   A.   It depends.
16   Q.   On what?
17   A.   On how -- if they're drunk, how
18   intoxicated they are. Some people come in
19   and they can't answer any questions or
20   anything like that. Anything like that when
21   they can't answer questions, they get put on
22   the constant supervision check; but if
23   they're just on drugs, they say they've
24   taken drugs, normally it goes based on how
25   much they took, what they took. Then it's

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 up to the booking officer or medical, I
3 guess, if they check it over. If they feel
' they want you to be on 15 or routine check
   or constant watch.
6   Q.   Are there any policies in Putnam
7 County with respect to those inmates in
8 terms of what level of supervision should be
9 instituted?
10   A.   I don't believe so, as far as
11 drug and alcohol intake goes.
12   Q.   Are you aware of any requirement
13 to refer those inmates to medical?
14   A.   Normally, you would fill out on
15 the page before this one, has a list at the
16 bottom. There's a medical questionnaire,
17 and it actually has on it if they're on
18 drugs, there's a list you fill out. What
19 drugs they're on. Normally, you call the
20 nurse. The nurse comes up and checks over
21 the intake screening sheet for medical
22 stuff. They come up and take the
23 individual's blood pressure and stuff.
24   Q.   And this would be a nurse from
25 Americor?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 don't know if they had the training for the
3 suicide screening. I don't remember.
4   Q.   Who? The Americor staff?
5   A.   Yes.
6   Q.   And you say prior to 2006, you
7 don't recall if they actually looked at the
8 suicide screening form?
9   A.   Yeah. I don't know. I believe
10 they gave them a class in the summer of 2006
11 on the Suicide Prevention Screening.
12   Q.   Since that time summer of 2006, in
13 your experience, did the Americor look at
14 the Suicide Prevention Screening part of the
15 packet?
16   A.   I believe they do, but I think
17 I've only done one booking or two bookings.
18 And both of those inmates got bailed out, so
19 I don't think they looked at the whole
20 packet.
21   Q.   Are you aware of any policies that
22 require the Americor staff to look at the
23 suicide screening?
24   A.   As far as our policies go, I
25 don't think we have a policy that I've seen.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   A.   Yes.
3   Q.   This is something you've
4 personally observed?
5   A.   Yes.
6   Q.   What forms -- when you call the
7 nurse from Americor to come up to booking,
8 what forms do they provide to them?
9   A.   After you enter the information
10 in the computer, they get the entire packet.
11   Q.   The medical as well as the suicide
12 screening?
13   A.   Yeah. This is all in one. It's
14 one front page. It's one big sheet. It's
15 folded over.
16   Q.   With respect to calling the nurse,
17 do you understand that's required as part of
18 the procedures?
19   A.   Yes.
20   Q.   And you indicated that the nurse
21 comes up and looks at the entire packet?
22   A.   As far as I know. I don't know
2ა if they go over the actual Suicide
24 Prevention Screening. I believe they do
25 now. I don't know if previous to 2006, I

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 I don't know if they have a policy. I
3 believe they do. I used to see the nurse
4 coming, and he'd go through the list with
5 the inmate.
6   Q.   What list?
7   A.   This list. (Indicating)
8   Q.   Suicide screening list?
9   A.   I have seen a nurse do it once.
10   Q.   Since 2006?
11   A.   This past year.
12   Q.   It was in 2007?
13   A.   Yes.
14   Q.   Prior to that, had you ever seen
15 any nurse from medical, either Americor or
16 any other company, go through the suicide
17 screening with the inmates?
18   A.   I don't believe so, but I don't
19 know exactly what they did.
20   Q.   You say the Americor nurse takes
21 the blood pressure of the incoming inmate?
22   A.   They ask if they have any medical
23 problems. They take the blood pressure. I
24 don't know what else they do. They take
25 their pulse, oxygen level and ask them

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 questions.
3   Q. That's something you've observed?
       A. I've seen them do that.
       Q. That has been true since the
6 entire time?
7   A. I believe since Americor came in,
8 I believe they've been doing that.
9   Q. Are you aware of any policies or
10 procedures that require the nursing staff to
11 do those things - blood pressure, O-2 level,
12 pulse?
13   A. I'm not exactly sure what they're
14 supposed to do. We have to notify the
15 nurse. I believe there's policy on that.
16   Q. Is there a nurse on duty 24/7?
17   A. Yes.
18   Q. Is the staffing level different at
19 all during weekdays versus weekends, days
20 versus the night?
21   A. No. One nurse on duty.
22   Q. All the time?
23   A. Yes.
24   Q. When the nurse is doing the blood
25 pressure, the pulse, the O-2 level and

COMPU-TRAN SHORTHAND REPORTING

MICHAEL OLIVER

2 them.
3   Q. You're not aware of any guidelines
4 or rules as to what you're required to
5 notify the nurse of?
6   A. I don't believe so. I believe
7 you're supposed to notify the nurse that
8 there's a new intake.
9   Q. Have you ever seen Exhibit 2 which
10 appears to be regulations from the Putnam
11 County Correctional Facility?
12   A. I don't believe I've actually
13 read this or seen it. I believe it's in my
14 red book, but I haven't actually read it.
15 I'm pretty sure we have it.
16   Q. Just for the record, what's the
17 red book?
18   A. It's our policy and procedure
19 manual.
20   Q. When were you issued the red book?
21   A. The day I was hired.
22   Q. Since that time, have you received
23 any --
24   A. We do receive --
25   Q. -- modification?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 asking the inmate about medical problems, is
3 the booking officer present?
4   A. They're usually in the room.
5   Q. Is it all done in the same area?
6   A. Usually, they see them in the
7 holding cell in there. It depends how busy
8 the booking cell is at that time. Usually,
9 they do it right there, take the blood
10 pressure. They might ask them about the
11 medical history or whatever they need to do.
12   Q. As part of the procedures in place
13 in terms of the booking room, when you call
14 the nurse up for an incoming inmate, are you
15 required to notify them of anything in
16 particular, bring to their attention
17 anything in particular?
18   A. I don't believe you're required
19 to. I'm pretty sure if something came up on
20 there, you say this guy said he had a heart
21 condition. They look at the list and see he
22 has asthma. Unless it's something that he
23 comes in and his eye is hanging out or he
24 has a big cut. Normally, you don't call and
25 tell them I got a new guy in and they check

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MICHAEL OLIVER

2   A. We do receive updates on
3 occasion.
4   Q. Do you have any recollection as
5 you sit here today if Exhibit 2 was part of
6 the red book or any modified or updated
7 provisions of that?
8   A. It could have been, but I don't
9 remember it being an update.
10   Q. Other than the red book, are there
11 other policies or procedures?
12   A. There's a policy and procedure
13 book.
14   Q. Where is that kept?
15   A. Usually, one on each post.
16   Q. What goes into that book?
17   A. Policies and procedures set down
18 for the actual jail.
19   Q. And those differ from the red book
20 documents?
21   A. They're pretty along the lines of
22 it, but most of it is in-unit stuff. I'm
23 not exactly positive if it goes along with
24 the red book.
25   MS. BERG: Let me have

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MICHAEL OLIVER

1
2 marked as Exhibit 18, a copy of a
3 procedure, "Subject: Housing Unit
4 Supervision Logbook entries."
5   (Whereupon, Plaintiff's Exhibit **18**,
6 PROCEDURE, SUBJECT: HOUSING UNIT SUPERVISION
7 LOGBOOK ENTRIES, was marked for identification.)
8   Q.   In general, without looking at the
9 specific document itself, is this something,
10 this type of procedure something that would
11 be in the policies and procedures book?
12   A.   **The ones that we have on our**
13 **posts, yes.**
14   Q.   This is different than what goes
15 into the red book?
16   A.   **Yes.**
17   Q.   Take a look at this document
18 Exhibit 18 and tell me if you've ever seen
19 it before.
20   A.   **Yes, I believe I have seen it**
21 **before.**
22   Q.   Do you recall when for the first
23 time?
24   A.   **No, I do not.**
25   Q.   Do you recall if you saw that at

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MICHAEL OLIVER

1
2   Q.   Do you recall with respect to the
3 procedure, Exhibit 18, if it modified or
4 updated an existing procedure?
5   A.   **It probably did. I don't**
6 **remember what.**
7   Q.   Did you receive any training on
8 the new procedure?
9   A.   **We did go over, I believe,**
10 **logbook entries in training at one point.**
11   Q.   Was that in the summer of 2006 or
12 before that or after that?
13   A.   **I don't remember. I know we've**
14 **done it in the past. Just as regular**
15 **training. I don't know if it was in regards**
16 **to a new procedure. I don't believe it was.**
17 **Every once in a while they go over logbook**
18 **procedures.**
19   Q.   Do you recall what, if anything --
20 withdrawn.
21   With respect to this policy, it
22 says, "Effective date, August 12, 2005;" do
23 you see that?
24   A.   **Yes.**
25   Q.   Under the amended provision where

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MICHAEL OLIVER

1
2 some point in time in or about the summer of
3 2006?
4   A.   **It's possible because we had a**
5 **bunch of -- some procedures come out. I**
6 **believe this may have come out in 2006,**
7 **something along the lines.**
8   Q.   Do you recall if it was at or
9 about the same time that you saw the
10 handwritten document in the book room?
11   A.   **I believe the handwritten**
12 **document came out in May of 2006.**
13   Q.   Do you recall if it was before or
14 after Spencer Sinkov committed suicide?
15   A.   **After.**
16   Q.   Do you have any understanding as
17 you sit here today as to who wrote it?
18   A.   **I don't know who wrote it.**
19   Q.   Was it signed by anyone?
20   A.   **No, just handwritten. Probably**
21 **one of the booking officers wrote it.**
22 **Probably one of the sergeants told him.**
23 **Probably came down through the chain of**
24 **command. I don't know where it started**
25 **from.**

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MICHAEL OLIVER

1
2 it says 09/02, 04/04, all of those?
3   A.   **Yes.**
4   Q.   Are those dates as far as you
5 know?
6   A.   **As far as I know, that would be**
7 **dates.**
8   Q.   Do you have any understanding as
9 to how a policy came out effective August
10 12, 2005, if one of the amendments was
11 February 2006?
12   MR. RANDAZZO: Objection to
13   the form.
14   MR. KLEINBERG: Objection.
15   MS. MARGOLIS: Join.
16   MR. RANDAZZO: You can
17   answer it.
18   A.   **I have no idea.**
19   Q.   Did you ever question anybody
20 about that?
21   A.   **I probably didn't actually read**
22 **it, the amended dates.**
23   Q.   Prior to the summer of 2006, do
24 you recall if page 2, 15-minute supervisory
25 visit, if that or any part of it was

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MICHAEL OLIVER

2 contained in any other policy or procedure?

3   A.   I believe there have been. I'm
4 not positive as to what the old form was.

5   Q.   Do you recall as you sit here
6 today, any updates or differences?

7   A.   I'm not positive. I know there's
8 been changes over as far as I think -- let
9 me see. I think G is different and H might
10 be different. I don't remember.

11   Q.   So your best recollection is that
12 G and H were different from the prior
13 policy?

14   A.   It might be. I don't remember.

15   Q.   I don't want you to guess.

16   A.   I know. That's -- I can't
17 remember without seeing the old policy. I
18 don't remember exactly what the difference
19 was.

20   Q.   Did anybody ever discuss with you
21 any change in policy specifically regarding
22 paragraph G or H on page 2 after Spencer
23 Sinkov had committed suicide in the
24 facility?

25   A.   I don't remember anyone actually

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MICHAEL OLIVER

2 telling us. I think we may have received
3 this, but I don't remember. I believe we
4 did receive something in logbooks, but I
5 don't remember when it was, if that was
6 before or after.

7   Q.   With respect to G, the brief
8 period of interaction with the inmate --

9   A.   I don't remember that.

10   Q.   -- is that something you believe
11 is required since the summer of 2006?

12   A.   I believe it is.

13   Q.   Was it required before that time?

14   A.   I don't believe so, but I don't
15 remember exactly what it said.

16   Q.   With respect to your duties as a
17 correction officer since the summer of 2006,
18 have you changed your methods at all with
19 respect to the 15-minute supervisory visits,
20 specifically regarding any interaction with
21 the inmate as noted in paragraph G?

22   A.   I have slighted.

23   Q.   In what way?

24   A.   Actually, I check on them a lot
25 more often. I mean, I'll talk to the

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MICHAEL OLIVER

2 inmates more.

3   Q.   Is that true in general or just
4 with those on 15-minute checks or something
5 else?

6   A.   In general. I mean, it depends.
7 Some of the guys are sleeping. I'm not
8 going to wake the guy up if he's sleeping
9 and talk to him. But I don't know if he's
10 up, I'll ask him how he's doing.

11   Q.   When you say you check on them
12 more often, what do you mean by that?

13   A.   Well, I'll go through probably
14 like every five minutes, even though it
15 shouldn't be, because it's a 15-minute
16 check. It's a part of being nervous down
17 there since this happened.

18   Q.   Did anybody ever instruct you or
19 train you to conduct your checks at five
20 minute intervals as opposed to 15?

21   A.   No. I don't do it, but I feel
22 like I am when I'm down there.

23   Q.   Do you log all your checks even if
24 they're shorter than the 15 minutes?

25   A.   Sometimes I do. It depends if

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MICHAEL OLIVER

2 I'm going through.

3   Q.   Since May 20, 2006, have you been
4 instructed about any changes in the manner
5 in which you document the checks in the
6 logbooks?

7   A.   I don't believe so.

8   Q.   With respect to the logbooks, is
9 it your understanding at least with respect
10 to the 15-minute supervisory visit, that
11 you're required to note in the logbook any
12 interaction with the inmate?

13   A.   That I believe is new. I mean, I
14 don't know what they mean by interaction.
15 If it -- like on a constant supervision,
16 when the inmate gets up, you log it. They
17 got up and he's walking around. I know with
18 this once an hour, I believe we're required
19 to put down what each inmate is doing that's
20 on the 15-minute check. As far as if he's
21 laying down, if he's up watching TV. If
22 he's reading a book, whatever he's doing,
23 going to the bathroom.

24   Q.   Prior to May 20, 2006, what were
25 you required to note about a 15-minute

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MICHAEL OLIVER

1
2 supervisory visit, if anything, in the
3 logbook?
4   A.   I think it was the same. Every
   hour you had to make a documentation as to
6 what each inmate was doing.
7   Q.   At each 15 minute interval, you
8 weren't noting what they were doing?
9   A.   No. If you were walking through
10 the whole unit, checking the whole unit, ten
11 males all secure or whatever it was.
12   Q.   But no specifics as to the inmates
13 on the checks?
14   A.   No. Just once an hour.
15   Q.   Since May 2006, that's changed?
16   A.   I'm not really sure exactly
17 because according to this, it's still
18 observations on inmate's condition and
19 behavior every 60-minute intervals. So I'm
20 not sure exactly what they want with this.
21   Q.   In other words, between paragraphs
22 F and G under 15-minute supervisory visit,
23 to you it seems to say in paragraph F, that
24 you noted every 60 minutes, but in G, it
25 seems to indicate --

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MICHAEL OLIVER

1
2   A.   Yes.
3   Q.   -- that you're supposed to
4 interact every 15 minutes?
5   A.   As far as writing it down in the
6 book. I'm not sure what they wanted with
7 that.
8   Q.   Did anyone ever provide you with
9 instruction or guidance, on-the-job training
10 or otherwise, with respect on these
11 provisions?
12   A.   No.
13   Q.   Paragraph H, "15-minute
14 supervisory visits are not, underlined,
15 adequate as a suicide prevention
16 precaution."
17   Do you believe that's been added
18 since May 20, 2006?
19   A.   It may have been. I don't
20 remember.
21   Q.   Prior to Spencer Sinkov committing
22 suicide, were you aware of anything in
23 policies or procedures with respect to what
24 level of supervision should be instituted
25 for suicide prevention precaution?

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MICHAEL OLIVER

1
2   A.   As far as?
3   Q.   Constant, 15 minute, routine,
4 something else?
5   A.   Those were the same as far as --
6 I don't understand where you're going with
7 that.
8   Q.   Here it says 15-minute supervisory
9 visits are not adequate as a suicide
10 prevention precaution.
11   A.   Yes.
12   Q.   Were you aware of any such
13 policies or procedures prior to May 20, 2006
14 prior to Spencer's suicide?
15   A.   Not as far as saying directly
16 that. I thought it was common knowledge
17 when you did it, if the person was a high
18 risk, they would be on constant watch.
19   Q.   That was your understanding?
20   A.   Yeah.
21   Q.   Were you ever the recipient of any
22 written policies or procedures about that?
23   A.   I'm not positive.
24   Q.   Did you ever discuss anything with
25 any of your fellow correction officers about

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MICHAEL OLIVER

1
2 any of the changes to the policy after May
3 20, 2006?
4   A.   No.
5   Q.   Did you ever have any
6 conversations with Joseph Vasaturo --
7   A.   No.
8   Q.   -- which in any way related to the
9 policies --
10   A.   No.
11   Q.   -- or to Spencer Sinkov?
12   A.   No.
13   Q.   Did you ever have any
14 conversations with Sergeant LaPolla?
15   A.   No.
16   Q.   Are you aware of any requirements,
17 policies, rules, regulations, anything with
18 respect to creating any kind of P-1 or
19 written document when somebody is placed on
20 a 15 minute or constant supervision?
21   A.   Yes.
22   Q.   What's your understanding?
23   A.   You write a P-1 document and
24 notify the sergeant. Depending what it's
25 for, there's a generic copy that's listed

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MICHAEL OLIVER

2 due to answers given on the medical and
3 suicide screening. Normally, they put in
4 what the exact reason was or more detailed
5 reason.
6   Q.   Is there anything in writing that
7 says you're required to write the P-1?
8   A.   There may be. I'm not positive
9 what the exact --
10   Q.   And the notification to the
11 sergeant, is that verbal, in writing, both?
12   A.   Usually, verbal.
13   Q.   Since August -- since the summer
14 of 2006 with respect to the notification to
15 the sergeant, has that changed in terms of
16 being verbal notification, written?
17   A.   They'll verbally notify him and
18 the sergeant will come in and look over the
19 paperwork.
20   Q.   And that would be the medical and
21 suicide packet?
22   A.   Yes.
23   Q.   And you said there's a generic
24 form that says due to answers given on the
25 screening?

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MICHAEL OLIVER

2 officers see?
3   A.   Yes.
4   Q.   When?
5   A.   When you're in the briefing room.
6   Q.   When are you in the briefing room?
7   A.   Prior to the shift, 15 minutes
8 before the shift or you can go in there
9 during the day if you're down that way.
10   Q.   With respect to the briefing room,
11 as a matter of practice in the Putnam County
12 Correction Facility, are you advised of the
13 inmates that are on constant or 15-minute
14 supervision?
15   A.   Normally, if someone comes in,
16 they will tell you.
17   Q.   Verbally?
18   A.   Yes.
19   Q.   Do they show you the P-1?
20   A.   If they have it on them. If it's
21 not -- or they'll tell you it's in the book
22 to look at it.
23   Q.   With respect to the logbook on the
24 housing unit, the P-1 goes into that?
25   A.   It either goes into the logbook

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MICHAEL OLIVER

2   A.   I believe so, if someone had
3 inputted in the computer.
4   Q.   You said normally you put it in
5 more detail. What do you base that on?
6   A.   What the problem is. Normally,
7 15-minute check due to medication, due to
8 medication that he doesn't have or something
9 along the lines.
10   Q.   Are you aware of any requirements
11 other than generically stating due to
12 answers given on the suicide screening
13 form --
14   A.   I don't believe so.
15   Q.   -- such as specifics on that form?
16   A.   I don't believe so.
17   Q.   Who, if anyone, receives the P-1?
18   A.   Usually, the sergeant. I believe
19 it goes up to -- I don't know if it goes up
20 to the lieutenant or the captain. One goes
21 in the logbook on the housing unit. One
22 goes into the P-1 book they have in the
23 briefing room.
24   Q.   And the P-1 book in the briefing
25 room, is that something that the correction

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MICHAEL OLIVER

2 or there's a sheet on the side. It normally
3 goes -- somebody will put it into the
4 logbook.
5   Q.   The P-1 goes to the sergeant?
6   A.   I believe they get a copy.
7   Q.   How do they get a copy? Is it
8 hand delivered?
9   A.   Hand delivered.
10   Q.   By the booking officer?
11   A.   Usually, by the booking officer.
12   Q.   For how long has that been the
13 policy?
14   A.   As far as since I started.
15   Q.   Is there any requirement as to
16 when you're supposed to deliver the P-1?
17   A.   I don't believe it's a
18 requirement. Whenever you bring the inmate
19 to where he's going, you give it to the
20 sergeant and put it in the P-1 book.
21   Q.   When you deliver it to the housing
22 unit?
23   A.   Yeah. When you take them out of
24 the booking unit and go to the housing unit,
25 you bring the P-1 with you.

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MICHAEL OLIVER

1
2   Q.   That's been your understanding of
3   the practice in the jail?
'   A.   Yes.
5   Q.   Is Exhibit 7 the initial part of
6   the packet that's done by the booking
7   officer?
8   A.   Yes.
9   Q.   Exhibit 8, a training manual, have
10   you ever seen that before?
11   A.   I believe so, yes.
12   Q.   Do you recall under what
13   circumstances?
14   A.   When we do training, suicide
15   prevention training, initial training.
16   Q.   When was that?
17   A.   For me it was probably back in
18   '98 or '99.
19   Q.   Since then, you've had suicide
20   training on an annual basis?
21   A.   Yes. Refresher training.
22   Q.   If you would, take a look about a
23   quarter of the way from the end, there's a
24   training manual which says refresher
25   program. If you follow the pages, it

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MICHAEL OLIVER

1
2   Q.   Do you recall?
3   A.   I don't recall exactly.
4   Q.   On the next page, it says, "Action
5   to be taken by officer. Notify supervisor
6   if any answers indicate notification and
7   check either yes or no." Do you see that?
8   A.   Yes.
9   Q.   If you go back to Exhibit 3, which
10   is the suicide screening form, on the bottom
11   section, there's a place for notification to
12   the supervisor; correct?
13   A.   Yes.
14   Q.   Is that your understanding of
15   what's supposed to be checked --
16   A.   Yes.
17   Q.   -- as indicated in the training
18   manual?
19   A.   Yes.
20   Q.   Under the section, "Action to be
21   taken by supervisor," it says, "Constant
22   one-to-one is the only acceptable level of
23   supervision for suicide watch in New York
24   State;" do you see that?
25   A.   Yes.

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MICHAEL OLIVER

1
2   starts -- to go down like I-2. Have you
3   ever seen that part of it?
4   A.   I believe -- I don't know if we
5   got a copy of it, but I believe it was the
6   Power Point presentation.
7   Q.   So, this is what's shown in the
8   class as part of the training?
9   A.   As I can tell, yes. This looks
10   like it.
11   Q.   On the page Roman Numeral VI-11 --
12   go back to VI-10 to put it in contents. It
13   talks about scoring at the bottom; do you
14   see that?
15   A.   Yes.
16   Q.   It says, "Notify supervisor
17   immediately if the total is eight or more.
18   Any shaded boxes are checked, booking
19   screening officer believes a referral is
20   appropriate and necessary"?
21   A.   Yes.
22   Q.   Do you recall when you first
23   received training about that?
24   A.   It may have been the initial
25   training.

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MICHAEL OLIVER

1
2   Q.   Do you recall if you've ever
3   received training on that?
4   A.   I don't remember seeing the
5   actual part, no.
6   Q.   On page Roman numeral VII-8 of the
7   training manual, under the section,
8   "Supervising the suicidal inmate," the first
9   bullet, "Supervision of high-risk suicidal
10   inmate is a basic prevention tool;" do you
11   see that?
12   A.   Yes.
13   Q.   Next bullet, "Constant supervision
14   should be given immediately to all high-risk
15   inmates;" do you see that?
16   A.   Yes.
17   Q.   Were you ever trained about what a
18   high-risk inmate means?
19   A.   I believe so.
20   Q.   What was that?
21   A.   I believe it was depending on the
22   score on here. If they scored above eight
23   or had two checked boxes, I believe.
24   Q.   Two shaded boxes?
25   A.   Yes.

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MICHAEL OLIVER

1
2   Q.   Were you ever instructed that
3 constant supervision should be given to
4 those categories of inmates?
5   A.   **Yes, I believe so.**
6   Q.   Was that during your training?
7   A.   **Yes.**
8   Q.   Do you recall when that occurred?
9   A.   **No.**
10   Q.   Do you recall if it was before or
11 after May of 2006?
12   A.   **It was probably before, but I'm**
13 **not sure how it was worded. I don't**
14 **remember exactly what it was.**
15   Q.   Do you recall if it was as direct
16 as indicated in this training manual?
17   A.   **Pretty much.**
18   Q.   In terms of the next bullet, "Less
19 than constant supervision, inadequate for
20 suicidal persons. A person can die within
21 three minutes of hanging."
22   Were you ever given any training
23 or instruction on that?
24   A.   **Yes.**
25   Q.   Do you recall when that was?

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MICHAEL OLIVER

1
2 says, "Once you have made an assessment of a
3 suicide risk, supervision is your basic
4 prevention tool. According to Commission of
5 Correction regulations, constant supervision
6 should be given to all high-risk inmates."
7 Do you see that?
8   A.   **No. Where is that?**
9   Q.   Page 17 at the bottom.
10   A.   **I got it.**
11   Q.   Do you recall if during your
12 training or other instruction that you
13 received on the job or otherwise, if you
14 were ever advised of the Commission of
15 Corrections regulation which says constant
16 supervision should be given to all high-risk
17 inmates?
18   A.   **Yes, I would say we did.**
19   Q.   Do you recall when?
20   A.   **No. Probably during the**
21 **refresher training. I imagine we probably**
22 **do it every year. I don't have the**
23 **specifics.**
24   Q.   Were you ever advised as part of
25 your training or otherwise, that the booking

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MICHAEL OLIVER

1
2   A.   **Probably during whenever we did**
3 **our refresher training.**
4   Q.   Do you recall when that was
5 specifically?
6   A.   **Probably every year, I imagine.**
7   Q.   Are you guessing?
8   A.   **I'm pretty much guessing. As far**
9 **as I know, we do it every year.**
10   Q.   Have you ever seen Exhibit 9,
11 officer's handbook?
12   A.   **Yes.**
13   Q.   Do you recall when for the first
14 time?
15   A.   **For the first time, no. I may**
16 **have gotten it when we first did the suicide**
17 **training.**
18   Q.   I don't want you to guess. You
19 keep saying "may have." Do you recall?
20   A.   **I don't remember the exact date.**
21   Q.   Do you recall if you were issued
22 this one time or more than one time?
23   A.   **I know I have it. I would say at**
24 **least one time.**
25   Q.   On page 17 under supervising, it

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MICHAEL OLIVER

1
2 officer has the ability to utilize his or
3 her discretion in determining whether
4 15-minute supervision or constant
5 supervision should be given to an inmate who
6 has eight or higher on the form?
7   A.   **Eight or higher, as far as I**
8 **know, it was just you had discretion, but**
9 **you still had to notify the sergeant.**
10   Q.   Who ultimately then makes the
11 decision?
12   A.   **The sergeant. You tell him what**
13 **the answers were and what you feel. He'll**
14 **override you or agree with you.**
15   Q.   Going back to the Suicide
16 Prevention Screening form, Exhibit 3, did
17 you ever see that in its completed state as
18 it is now?
19   A.   **This one per se or any of them?**
20   Q.   That particular one pertaining to
21 Spencer.
22   A.   **No, I have not seen it.**
23   Q.   Did anyone ever show that to you
24 at any point in time prior to today?
25   A.   **No.**

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MICHAEL OLIVER

1
2   Q.   Do you recall at any point in time
3 having any role with respect to Spencer
4 Sinkov when he was housed in the Putnam
5 County Correctional Facility?
6   A.   Yes.
7   Q.   What is your recollection?
8   A.   He was on the housing unit.
9   Q.   Do you recall when that was?
10   A.   That was May 20 from -- started
11 at 7:30 in the morning.
12   Q.   When you came in that morning, do
13 you recall if you attended the briefing in
14 the briefing room?
15   A.   Yes, I did.
16   Q.   Do you recall who provided you
17 with the briefing?
18   A.   Sergeant LaPolla.
19   Q.   Was he going out at the time?
20   A.   Yes.
21   Q.   Do you recall if he said anything
22 specific with regard to Spencer Sinkov?
23   A.   One new inmate in cell seven.
24 They put him on 15 because they said he was
25 on heroin and he might go through

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MICHAEL OLIVER

1
2 book?
3   A.   The book, no.   I did have the
4 P-1 at the desk.
5   Q.   You did?
6   A.   The North Housing Unit, yes, it
7 was in the logbook.
8   Q.   When Sergeant LaPolla gave the
9 briefing, did he have the book which
10 contained the P-1s?
11   A.   He didn't have it himself. It
12 sits on the table in the briefing room.
13   Q.   Do you know if he ever looked at
14 it before giving that briefing?
15   A.   I don't know if he looked at it.
16 I'm sure he had the P-1.
17   Q.   Was anything else said about
18 Spencer Sinkov?
19   A.   During the briefing, no.
20   Q.   When you said you're sure he had
21 the P-1, what do you base it on?
22   A.   There was one at my desk. I'm
23 assuming he had one as well.
24   Q.   That would be based on the
25 practices at the time --

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MICHAEL OLIVER

1
2 withdrawals.
3   Q.   Anything else?
4   A.   In regards to him, no.
5   Q.   Was this statement made to all
6 correction officers in attendance?
7   A.   Whoever was in the briefing room.
8   Q.   Do you recall who else was there?
9   A.   Whoever was on shift that day.
10   Q.   Do you remember who other than
11 yourself?
12   A.   Sergeant Jackson. Officer
13 Bartley. Officer Blanchard. Officer
14 Wendover. I can't remember who else was
15 down there.
16   Q.   Did LaPolla say anything about
17 anything pertaining to Spencer's answers on
18 the Suicide Screening Prevention form?
19   A.   No. Just that he said he had
20 taken heroin, and he might go through
21 withdrawals.
22   Q.   Was there a book at that time
23 which contained the P-1s that were issued?
24   A.   Yes.
25   Q.   Do you recall if you reviewed the

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MICHAEL OLIVER

1
2   A.   Past practice.
3   Q.   -- at the facility?
4   After that briefing, did you then
5 go to the North Housing Unit post?
6   A.   Well, I stopped at South Housing.
7 The South Housing Unit runs north and south
8 on the midnight shift.
9   Q.   Who was there?
10   A.   I believe it was Officer LaPine.
11   Q.   What, if anything, did he say to
12 you?
13   A.   She didn't say anything.
14   Q.   I'm sorry; she.
15   A.   Pretty much nothing. We went
16 through the count of the unit.
17   Q.   What happened?
18   A.   I asked her if anything went on.
19   She said no, nothing went on last
20 night. It was all quiet.
21   Q.   Anything else?
22   A.   No. I think that was it.
23   Q.   Would she have been the one to
24 brief you about the North Housing Unit post,
25 also?

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MICHAEL OLIVER

2 A.   Yes.
3 Q.   Did she say anything about the
4 North Housing Unit post?
       A.   No. She said it was all quiet.
6 Q.   Did she say anything about the
7 level of supervision of the inmates on that
8 unit?
9   A.   She may have said you had
10 15-minute checks here, but I don't remember
11 exactly what she said.
12   Q.   Did she say anything specific
13 about Spencer Sinkov?
14   A.   No.
15   Q.   Did you go to the North Housing
16 Unit post?
17   A.   Yes.
18   Q.   At that point in time, what did
19 you do?
20   A.   Logged in my book.
21   Q.   Did you take the book from the
22 South Housing Unit post to North Housing?
23   A.   Yes. I brought it over to the
24 North Housing Unit desk.
25   Q.   So, LaPine would have signed out
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MICHAEL OLIVER

2 and you signed in?
3   A.   Yes.
4   Q.   What happened after you logged in?
5   A.   I believe a couple minutes after
6 that, we served breakfast.
7   Q.   At any point in time, did you
8 review the, either the board or the
9 clipboard or the book, that was on the unit?
10   A.   At that moment in time, no.
11   Q.   When did you first do that?
12   A.   Well, I looked over -- after I
13 served breakfast, I looked over and saw who
14 was where.
15   Q.   You indicated that you did see the
16 P-1 pertaining to Spencer Sinkov?
17   A.   I saw it later in the day.
18   Q.   Do you recall when?
19   A.   No, I don't recall.
20   Q.   Do you recall under what
21 circumstances you saw it?
       A.   It was laying in my logbook.
23   Q.   Was that included in the logbook
24 at the time that LaPine gave you the North
25 Housing Unit book?
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MICHAEL OLIVER

2 A.   Yeah, it would have been.
3 Q.   Take a look at Exhibit 4. Is that
4 the P-1 that you saw laying in the North
5 Housing Unit logbook?
6   A.   Yes.
7   Q.   Do you recall at what point in
8 time you saw it later in the day?
9   A.   No, I don't.
10   Q.   Do you recall if it was before or
11 after lunch was served?
12   A.   I think it was before lunch.
13   Q.   Do you see that P-1 indicates that
14 Spencer Sinkov was placed on a 15-minute
15 supervisory check?
16   A.   Yes.
17   Q.   And it says this is due to recent
18 use of drugs and answers given on the
19 suicide screening; correct?
20   A.   Yes.
21   Q.   At that point in time when you saw
22 that, was that the first time you were
23 advised of anything pertaining to Spencer's
24 answers on the suicide screening?
25   A.   Yes.
              COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 Q.   Prior to that time, had you had
3 any conversations with anyone including
4 Spencer about anything pertaining to the
5 suicide screening?
6   A.   The suicide screening, no.
7   Q.   Did you at that point in time
8 follow-up, ask any questions, inquire of
9 anybody as to why you weren't notified about
10 the answers on the suicide screening prior
11 to that?
12   A.   No. I was under the impression
13 that use of drugs is one of the answers on
14 the suicide screening. That's all they said
15 in the briefing room, was he was on heroin
16 and might go through withdrawals.
17   Q.   Were you aware of any policies or
18 procedures in the Putnam County Correctional
19 Facility with respect to inmates who were
20 going through withdrawals?
21   A.   No.
22   Q.   Are you aware of anything that
23 requires any specific level of supervision
24 for inmates who come in either having used
25 or having had addiction problems with drugs?
              COMPU-TRAN SHORTHAND REPORTING

85

MICHAEL OLIVER

1
2   A.   No. It depends what state that
3   they're in when they come in.
4   Q.   Are you aware of any provisions
5   for inmates to receive any kind of
6   medication or assistance in going through
7   withdrawals?
8   A.   Not that I'm aware of.
9   Q.   Are you aware of any programs or
10   appointments or anything along those lines
11   that the inmates are permitted to receive
12   pertaining to specifically withdrawal
13   issues?
14   A.   No. It's whatever the medical
15   department does. I don't know what they do
16   exactly.
17   Q.   Do you have any understanding as
18   to when, if at all, the medical department
19   first sees a new inmate?
20   A.   Well, they first see them when
21   they first come into the booking room.
22   Q.   That would be the nurse that you
23   testified to earlier?
24   A.   Yeah. Americor would check the
25   inmate when they first come in.

COMPU-TRAN SHORTHAND REPORTING

87

MICHAEL OLIVER

1
2   he can be with, who he can't be with.
3   Q.   Do you recall if you had any
4   conversations with anyone about the answers
5   that were on the suicide screening form as
6   indicated in the P-1, Exhibit 4?
7   A.   No.
8   Q.   Did you have any interactions with
9   Spencer Sinkov at any point in time during
10   your shift at the North Housing Unit?
11   A.   Limited as far as when he went
12   out to visitation. When I fed him and
13   stuff. When he got his lunch and breakfast.
14   Q.   Which came first in terms of the
15   interaction?
16   A.   Breakfast was first.
17   Q.   Do you recall anything that you
18   said to him or that he said to you during
19   that?
20   A.   I just asked him if he wanted
21   breakfast, and he said yes. And he got up
22   and took his tray.
23   Q.   That was it?
24   A.   Pretty much.
25   Q.   Do you recall what was on the

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Anything else?
3   A.   They usually go through -- I
4   don't know what their time frame is and do
5   an actual physical evaluation of the inmate.
6   Q.   You don't know when that's done?
7   A.   I don't know if it's within the
8   first 24 hours or when it's supposed to be
9   done.
10   Q.   Did anybody from medical visit
11   with Spencer Sinkov at any point in time
12   when you were on the post?
13   A.   No.
14   Q.   You mentioned earlier the
15   different type of classifications. One of
16   them being unclassified?
17   A.   Yes.
18   Q.   Was Spencer unclassified while you
19   were on the post?
20   A.   Yes, he was.
21   Q.   Do you know if in terms of
22   classification, that must be assigned before
23   medical will do its evaluation?
24   A.   No. That just has to do with
25   security level coming out of the cell, who

COMPU-TRAN SHORTHAND REPORTING

88

MICHAEL OLIVER

1
2   tray?
3   A.   I believe it was bagel and
4   yogurt, but I'm not positive. That's the
5   usual Saturday breakfast.
6   Q.   Do you collect the trays later on?
7   A.   Yes.
8   Q.   Do you recall if anything was on
9   the tray when you collected it from Spencer?
10   A.   I don't know. I know he ate some
11   of the stuff. I don't know how much he ate.
12   I don't remember what he ate.
13   Q.   Did you document what he ate?
14   A.   No.
15   Q.   Did you have any interactions with
16   him when you were in conversation with him
17   when you collected the tray?
18   A.   No. Just a thank you.
19   Q.   He said thank you?
20   A.   No. I said thank you.
21   Q.   Anything else?
22   A.   No.
23   Q.   Did you make any observation of
24   him at that point?
25   A.   As far as logging down anything,

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 no.

3 Q. What came next in terms of your
4 interactions with him?

A. His 15-minute initial visit.

6 Q. How did you become aware of that?

7 A. They called and said that inmate
8 cell seven, Mr. Sinkov had an initial visit.

9 Q. What were you required to do at
10 that point?

11 A. Go and tell him that he had a
12 visit.

13 Q. Then what?

14 A. Told him to get dressed. I let
15 him out of the cell and an inmate escort
16 officer or whatever officer is available
17 escorted him up to the booking room or
18 visitation.

19 Q. Do you recall who escorted him?

20 A. Officer Wendover.

21 Q. Was he the inmate escort officer?

22 A. No. I believe he was the booking
23 officer.

24 Q. Did you have any conversations
25 with Spencer other than indicating to him

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 A. I think he had a sweatshirt on
3 and brown pants. He had to put his brown
4 shirt on.

5 Q. Do you recall if he wore the
6 sweatshirt out of the cell?

7 A. I think he did, but I'm not
8 positive.

9 Q. That's part of the attire that's
10 permitted?

11 A. Yes. The brown shirt has to be
12 on top when they come out of the cell.

13 Q. Then what was your next
14 interaction with him?

15 A. When he came back from his visit.

16 Q. Where did you see him at that
17 point? Back at North Housing Unit or
18 somewhere else?

19 A. Over in front of the medical
20 department, actually.

21 Q. Where is medical in relation to
22 North Housing?

23 A. It's on the west side of the
24 North Housing Unit block.

25 Q. What is located at medical?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 that he had a visit and tell him to get
3 dress?

4 A. Yes. He said -- he asked if he
5 had to go to his visit.

6 Q. Tell me everything that you said
7 and everything that he said.

8 A. I said he didn't have to go, but
9 if you don't go now, you're not going to be
10 able to have visits for a couple days until
11 you're classified. You probably should run
12 up there and go to your visit.

13 And he said all right. Never
14 mind. I'll just go.

15 And I said, are you sure?

16 And he said yeah, it's okay.

17 Q. Anything else that you said or he
18 said?

19 A. At that point in time, no.

20 Q. What was he wearing when you told
21 him to get dressed?

22 A. They have their sneakers, brown
23 pants, brown shirt.

24 Q. What did he have on when you told
25 him to get dressed?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 A. The nursing station. The
3 infirmary.

4 Q. Is this medical for the entire
5 facility or just for that block?

6 A. The entire facility.

7 Q. Who was there at that time, if you
8 recall?

9 A. It was Nurse Waters. He wasn't
10 actually in the medical department, but he
11 was in front of it. There's chairs out in
12 front of it.

13 Q. How did you find out that Spencer
14 was there?

15 A. That's where Officer Wendover
16 brought him back down to.

17 Q. Why did he bring him there as
18 opposed to back to North Housing?

19 A. He goes by there to get to the
20 North Housing to get to the desk.

21 Q. How was it that you ended up at
22 medical to get him?

23 A. I believe he was on that side of
24 the North Housing Unit, and I walked around
25 with him and I picked him up.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

Q.   You could see him coming through at that time?

A.   I didn't see him come through the gate, but I was over on that side. I'm not exactly positive where I was, but for some reason, I was over there that way and I went around the medical.

Q.   When you met him in front of medical, Nurse Waters wasn't there?

A.   She was in medical, but he was in the hallway.

Q.   Is there anything separating? A wall, a door?

A.   The medical department is its own room. It has a door going into it.

Q.   Was Nurse Waters inside the room?

A.   Yes.

Q.   How long was Spencer there as of the time you went up to him, if you know?

A.   Probably a few seconds.

Q.   Could you hear Wendover and Spencer coming towards that area?

A.   I don't remember. I could have heard the elevator open.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

bringing to me. I can't remember exactly what she said.

Q.   Who responded, if anyone?

A.   I can't remember. I think I said no. Inmate Sinkov laughed, I think, if I recall.

Q.   Do you recall that? You're saying "I think."

A.   I think he did. I don't know what he did. I believe he smiled at least.

Q.   What's your recollection?

A.   I remember him smiling.

Q.   Do you remember if Sinkov said anything?

A.   He didn't say anything to that.

Q.   Anything else that Waters, you, Wendover or Spencer said?

A.   At that point in time, no.

Q.   Did you then leave the area?

A.   We walked over towards North Housing desk.

Q.   Did Susan Waters say something about Spencer's hair?

A.   She saw the long hair and thought

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

Q.   And you took Spencer from medical back to his cell?

A.   Yes.

Q.   Did you have any conversation with Spencer in the presence of Wendover?

A.   I don't know if Officer Wendover was still with him. I don't know if he walked him over to the cell block. I talked to Sinkov.

Q.   Prior to leaving the medical area, did you hear any interaction that Spencer had with Wendover?

A.   No.

Q.   Did you hear any interaction that he had with anyone else?

A.   The nurse came out. She was waiting for a female inmate to come over. She thought that was the female inmate, because she saw his long hair.

Q.   What did you hear being said, if anything?

A.   Something to the effect of, is this the girl I was waiting for or something. Is this the one you were

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

it was a girl.

Q.   She told you that?

A.   I believe -- I don't remember what her exact quote was, but she thought it was a female inmate coming over from South Housing for medication.

Q.   Did she say anything about his hair?

A.   No.

Q.   Did anybody?

A.   About his hair?

Q.   Yes.

A.   I don't think so. I think she saw the long hair and thought it was a girl.

Q.   That's your assumption?

A.   Yeah. He was leaning forward.

Q.   Assumption aside, she didn't say anything?

A.   I don't think she did.

Q.   Once you took Spencer from medical to the housing unit, you said you spoke with him?

A.   Yes.

Q.   What did you say to him, what did

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 he say to you?
3   A.   I asked him if he listened to
4 Megadeaf. He looked like the lead singer.
5   And he said I used to listen to
6 them back in high school.
7   Q.   Anything else that you said or
8 that Spencer said?
9   A.   No. That was pretty much it.
10   Q.   You don't recall if Wendover was
11 with you at that point?
12   A.   I don't know if he was walking
13 behind me or not. I can't remember.
14   Q.   Did you have any conversation with
15 Wendover about the visit?
16   A.   I believe when he came down, he
17 said that everything was okay. It was an
18 all right visit.
19   Q.   Did he say anything else?
20   A.   No.
21   Q.   What was the next interaction you
22 had with Spencer, if anything?
23   A.   I believe the next time was at
24 lunch.
25   Q.   What happened then?

99

MICHAEL OLIVER

1
2   A.   I think I said thank you, but
3 that was about it.
4   Q.   What was your next interaction
5 with him, if any?
6   A.   The next interaction was when I
7 found him in his cell.
8   Q.   Other than what you've testified
9 to, any other comments, statements,
10 interaction or observations that you made of
11 Spencer when you were on the North Housing
12 Unit that day?
13   A.   Nothing. He seemed quiet.
14 Normal.
15   Q.   What did you observe him doing, if
16 anything?
17   A.   Most of the day, he was laying
18 down. I did see him up on the toilet once
19 or twice, but most of the day, he was lying
20 down on his bed.
21   Q.   Was he actually sleeping, if you
22 know?
23   A.   I don't know if he was sleeping.
24   Q.   Do you recall what position he was
25 laying in?

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MICHAEL OLIVER

1
2   A.   I gave him his lunch tray. He
3 came out and took it back into his cell.
4   Q.   Do you recall what was for lunch
5 that day?
6   A.   I believe it was hamburgers.
7   Q.   Did you have any conversation with
8 him at that point?
9   A.   No, other than I think he said
10 thank you.
11   Q.   Anything else? Any other
12 statements?
13   A.   No.
14   Q.   Did you collect the tray?
15   A.   Yes.
16   Q.   Any interaction with him between
17 feeding him lunch and collecting the tray?
18   A.   No.
19   Q.   When you collected the tray, do
20 you remember if anything was on it?
21   A.   I believe the burgers were still
22 on it. I think he ate the tops of the buns,
23 but there was still stuff on it.
24   Q.   Did you have any conversation with
25 Spencer at that time?

100

MICHAEL OLIVER

1
2   A.   I believe his head was towards
3 the bars.
4   Q.   Do you recall, for example, if you
5 can see his face?
6   A.   It's like a blocked view.
7   Q.   A blocked view?
8   A.   Well, if he's laying on his bed
9 with his head to the bar, it has a rise; so
10 I can't see his face clearly.
11   Q.   In other words, do you recall if
12 he was face down, face up, sideways,
13 something else?
14   A.   He'd roll over every once in a
15 while. It wasn't the same position every
16 time, I don't believe. He wasn't in the
17 same exact position, but he was lying on his
18 bed.
19   Q.   Do you recall if he had any sheet,
20 blanket, anything on him?
21   A.   I believe he had his blanket on
22 him.
23   Q.   Do you recall anything about what
24 the temperature was like in the facility
25 that day?

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MICHAEL OLIVER

2 A.   Normal room temperature, I guess.
3 Q.   Any other observations that you
4 made of him, communications, interactions,
5 anything?
6 A.   No, not really.
7 Q.   Not really or no?
8 A.   No.
9 Q.   Now, with respect to the logbook
10 on the North Housing Unit, were you ever
11 provided with any training as to what you're
12 required to document in terms of the timing?
13 A.   As far as? What time you put
14 down your checks?
15 Q.   Yes.
16 A.   Whatever time you go do it.
17 Q.   What do you base that on? Is
18 there a clock or something in the facility?
19 A.   There's a regular clock.
20 Q.   In the facility itself?
21 A.   There's a clock in the facility
22 or if you have a watch.
23 Q.   You can used, either?
24 A.   Yes.
25 Q.   Were you ever instructed or

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MICHAEL OLIVER

2 Q.   Would you document the time that
3 you sat down or the time you went to each
4 individual cell?
5 A.   Usually, the time I sat down.
6 Q.   In terms of doing the checks, how
7 long did that take?
8 A.   It depends how long you're in
9 there for. A minute. It could take five
10 minutes.
11 Q.   Then you would document the time
12 you sat at the desk and wrote it in?
13 A.   Yes.
14 Q.   Did you ever have occasion to make
15 an error in the logbook?
16 A.   I'm sure I have.
17 Q.   Do you recall if you were ever
18 trained or instructed on what to do if you
19 wrote down something that was erroneous?
20 A.   Put a line through it and put
21 your initials on it.
22 Q.   When were you given that training
23 or instruction?
24 A.   Probably during original logbook
25 training, I think.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 trained with respect to rounding off times
3 in the logbook?
4 A.   You shouldn't round off your
5 times.
6 Q.   When did you first receive that
7 training?
8 A.   I'm not sure. It was probably
9 whenever we got these logbook, memos, the
10 original memo. I don't know if it was the
11 original memo.
12 Q.   Do you recall if it was something
13 revised after May 20, 2006?
14 A.   I don't believe it was after
15 that.
16 Q.   It was before that time?
17 A.   Probably before that.
18 Q.   Do you recall what prompted that?
19 A.   I believe it's what the state
20 said.
21 Q.   With respect to your practice on
22 the North Housing Unit in the logbook, when
23 did you actually document the timing?
24 A.   Usually when I sat down at the
25 desk and looked up at the clock.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 Q.   Before 2006?
3 A.   Yes.
4 Q.   Did you ever have occasion to go
5 back and add anything into the logbook,
6 something you forgot?
7 A.   If you forget something, you have
8 to put delayed entry.
9 Q.   Take a look if you would at
10 Exhibit 10, which is portions of the North
11 Housing Unit logbook from May 19 and May 20,
12 2006. And specifically, turn your attention
13 to the second-to-last page which at the top
14 right has a 41. Do you see that?
15 A.   Yes.
16 Q.   Is that where you signed in where
17 it says line number 1338, 0720?
18 A.   Yes.
19 Q.   Above that is the officer signing
20 out?
21 A.   Yes.
22 Q.   Do you recall looking at this that
23 it wasn't LaPine?
24 A.   No, I don't remember. I didn't
25 check her stamp to see who signed out.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Do you recall Officer Gianpola was
3   on?
4   A.   **I don't remember. I know it was**
a female. I don't remember which one it
6   **was. I thought it was LaPine.**
7   Q.   Earlier when you testified about
8   what LaPine said to you about everything
9   being normal, no incidents -- I don't want
10 to put words in your mouth -- but you
11 believe it could have been either LaPine or
12 Gianpola?
13   A.   **Yeah. I don't remember who**
14 **was -- I know it was a female officer.**
15   Q.   If it was Gianpola, anything
16 different about what Gianpola said to you?
17   A.   **No.**
18   Q.   In terms of your entries from page
19 41 to the end of the logbook, there are some
20 that are not in your handwriting; correct?
21 Such as 1341 at 0754?
22   A.   **Yes.**
23   Q.   Is that Sergeant Jackson?
24   A.   **Yes.**
25   Q.   And then take a look, if you

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   would, at entry 1369 timed 1308. Is that
3   Sergeant Jackson again?
4   A.   **Yes.**
5   Q.   Other than that, all the other
6   entries are in your handwriting?
7   A.   **Yes.**
8   Q.   In terms of your practice at that
9   time in May of 2006, you noted when you
10 performed your routine checks by indicating
11 NHU checked, the number of males, all
12 secured; correct? Such as at 7:50, line
13 1340.
14   A.   **Yes.**
15   Q.   Then you also noted when you did
16 15-minute checks such as at 13 -- line 1343,
17 time 0817?
18   A.   **Yes.**
19   Q.   And you specifically indicated
20 during the 15-minute checks that you did,
21 which continue through the bottom of page 41
22 and the very top of 42, specifically what
23 you observed these inmates to be doing;
24 correct?
25   A.   **Yes.**

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   But you didn't note what you
3   observed these inmates to be doing when you
4   did your routine checks; correct?
5   A.   **Correct.**
6   Q.   Is there some reason why?
7   A.   **It was my understanding you only**
8   **had to do it once an hour. I was just doing**
9   **it that way from the start.**
10   Q.   With respect to doing it once an
11 hour, you did it more frequently than that,
12 did you?
13   A.   **Yes. This day I was.**
14   Q.   You did it once every half hour?
15   A.   **Yes. Within that time I was.**
16   Q.   Is there some reason you did it
17 once every half hour?
18   A.   **I think because there was only**
19 **two 15-minute checks.**
20   Q.   With respect to the visit line
21 1356, 10:49, "Released one male, Sinkov to
22 Wendover for visit"?
23   A.   **Yes.**
24   Q.   Then 1107 you received him back?
25   A.   **Yes.**

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Other than Sinkov, was Kirby on
3   15-minute supervisory visit?
4   A.   **I believe so.**
5   Q.   Did you see in the 15-minute
6   supervisory check notes that you've made,
7   you write Sinkov lying down and then what
8   Kirby was doing?
9   A.   **Yes.**
10   Q.   Do you recall if you were told
11 anything about Kirby when you came on duty
12 that day in the briefing room?
13   A.   **I don't remember.**
14   Q.   Do you remember if the female
15 officer from South Housing Unit told you
16 anything about Kirby?
17   A.   **No.**
18   Q.   Do you recall if there was any
19 memo, P-1, anything else in the logbook or
20 elsewhere on the North Housing Unit about
21 Kirby?
22   A.   **I'm sure there was. I didn't see**
23 **it.**
24   Q.   Do you recall how you came to
25 learn that he was a 15-minute check?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   A.   It was on the list on the board,
3   the 15-minute checks.
4   Q.   At 0851, you indicate that the
5   meds were given out by the facility nurse?
6   A.   Yes.
7   Q.   Who was the facility nurse that
8   you referenced there?
9   A.   Susan Waters.
10   Q.   During that time, did you go
11   around to each cell with Susan Waters?
12   A.   We went through the block. I
13   don't think she specifically went to every
14   cell.
15   Q.   Do you recall if you had any
16   conversations with her at that time?
17   A.   I asked her what inmates she
18   needed for meds, probably.
19   Q.   Did you speak with her at all
20   about Spencer Sinkov?
21   A.   I don't think I did.
22   Q.   Did she ask you any questions
23   about Spencer?
24   A.   No.
25   Q.   Did she have any interactions with

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   Is the number of the entry 1369 in
3   your handwriting?
4   A.   I believe it is my handwriting.
5   Q.   Do you have any understanding as
6   to why --
7   A.   Because I had wrote the number on
8   the next page. It's the next page. So I
9   wouldn't lose the number. I had wrote the
10   number down. Then she came in and wrote the
11   logbook.
12   Q.   At the bottom where the logbook
13   ends, there's 1375 and 1376 is blank?
14   A.   Yes.
15   Q.   Do you have any understanding as
16   to why that is?
17   A.   I believe that's when they took
18   the logbook away from me.
19   Q.   Who took the logbook?
20   A.   I think the sergeant did, but I'm
21   not positive.
22   Q.   Who was the sergeant?
23   A.   Sergeant Jackson.
24   Q.   Were you about to make an entry?
25   A.   I think I was going to log

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Spencer in your presence during that time?
3   A.   No.
4   Q.   With respect to the 15-minute
5   checks that you specifically noted Spencer's
6   activities, for each of them, you indicated
7   that Spencer was lying down; correct?
8   A.   Yes.
9   Q.   On the check at line 1370 for the
10   time 1313, you said, "Sinkov sleeping;" do
11   you see that?
12   A.   Yes.
13   Q.   Was there any difference that you
14   can recall between your observations of him
15   lying down and him sleeping?
16   A.   No. I probably just meant to
17   write lying down but wrote sleeping.
18   Q.   Do you recall if you made an
19   observation at that time that he was
20   sleeping as opposed to lying down?
21   A.   No. I believe he was lying down,
22   but I wrote sleeping.
23   Q.   For the entry 1369, time 1308 by
24   Sergeant Jackson, do you see that?
25   A.   Yes.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   somebody who was in the unit.
3   Q.   Do you recall who?
4   A.   No.
5   Q.   For the entry 1373 received 11
6   males and one female for bible study; do you
7   see that?
8   A.   Yes.
9   Q.   What's the time of that entry?
10   A.   I believe it's 1342.
11   Q.   It looks like there was something
12   written before you wrote 1342?
13   A.   Yeah. I think I put 1444 or
14   1342.
15   Q.   Do you recall as you sit here
16   today what the correct time was?
17   A.   No, I do not.
18   Q.   You didn't on that occasion cross
19   out and initial the change?
20   A.   Yeah. That was my stupidity.
21   Q.   Did anybody ever counsel you about
22   that?
23   A.   About that, no.
24   Q.   What is bible study?
25   A.   It's outside persons that come in

COMPU-TRAN SHORTHAND REPORTING

113

MICHAEL OLIVER

1 MICHAEL OLIVER
2 and conduct bible study for the inmates.
3   Q.   Where is that conducted?
4   A.   In the program room. I think
5 it's program room three, but I'm not
6 positive about the number.
7   Q.   Did the person come in before the
8 inmates were received by you?
9   A.   They're supposed to. I believe
10 they did.
11   Q.   Do you recall if you let that
12 person into the room or anything else?
13   A.   I believe I went and met her over
14 there, but I'm not positive.
15   Q.   Who's the person that conducted
16 the bible study?
17   A.   I'm not sure. There's several
18 different people.
19   Q.   You didn't log in your logbook
20 that you let her in?
21   A.   No. The room is open. They go
22 in and set up. If they have to set up
23 chairs for female inmates, we go over there
24 and do that.
25   Q.   Why chairs for female inmates?

COMPU-TRAN SHORTHAND REPORTING

115

MICHAEL OLIVER

1 MICHAEL OLIVER
2 minute or two of each other, were different
3 people escorting them there?
4   A.   No. The male inmates roam
5 freely. They can walk the hallways freely
6 by themselves.
7   Female inmate, they can also if
8 they're classified can go through the
9 hallways. Sometimes they'll get escorted by
10 the officer from the unit.
11   Q.   Do you recall if anyone had an
12 escort on this occasion?
13   A.   I don't remember. I don't think
14 they did, but I can't remember.
15   Q.   When they come to your unit, where
16 do they gather?
17   A.   Usually, there's an officer's
18 podium for the program officer. And they
19 leave their tags on there so you can count
20 them up and go into the program room.
21   Q.   Did you make the note before you
22 gathered the tags and put them in the
23 program room?
24   A.   My log entry?
25   Q.   Yes.

COMPU-TRAN SHORTHAND REPORTING

114

MICHAEL OLIVER

1 MICHAEL OLIVER
2   A.   The female inmates can't be next
3 to the male inmates. You have to open up
4 the room and put them on the other side.
5   Q.   On this occasion, did you actually
6 do that?
7   A.   I think I had to go over and set
8 up a chair, but I don't remember exactly.
9   Q.   When you received the inmates at
10 1342 or 1344, where were they coming from?
11   A.   The 11 were coming from East and
12 West Housing Unit. One female was coming
13 from South Housing Unit.
14   Q.   Do they all arrive at the same
15 time?
16   A.   They were all within a minute of
17 each other.
18   Q.   So the time that you noted here
19 would have been what, when the first one
20 arrived, when the last one arrived,
21 something different?
22   A.   Pretty much when they all got in
23 there and got back over to the desk to log
24 it in.
25   Q.   In terms of them coming in a

COMPU-TRAN SHORTHAND REPORTING

116

MICHAEL OLIVER

1 MICHAEL OLIVER
2   A.   It was after. As it was all
3 going down.
4   Q.   What do you mean "as it was going
5 down"?
6   A.   They come in. They dropped the
7 tags. We count them. They go in the room
8 and I log in the book.
9   Q.   When you made the log at 1342 or
10 1344, you had been done with the bible study
11 duties?
12   A.   Yeah, they were in the room.
13   Q.   Already?
14   A.   Yes.
15   Q.   Do you have any further
16 obligations with respect to them at any
17 point?
18   A.   You have to check on them every
19 half hour as far as that goes.
20   Q.   Anything else?
21   A.   No. Unless they call for
22 assistance or something in the room.
23   Q.   Did anyone call for assistance on
24 that occasion?
25   A.   No.

COMPU-TRAN SHORTHAND REPORTING

117

MICHAEL OLIVER

1
2 Q.   Then the next entry 1374 at 1349,
3 "Inmate Sinkov, Spencer, his number, hanging
4 in his cell." What's the next line say?
5   A.   I think it says "hanging on the
6 bars." I can't read my own writing.
7   Q.   That is your entry, though?
8   A.   Yes.
9   Q.   Do you recall when you made that
10 entry?
11   A.   Probably 1350, something. It was
12 after the sergeant and the nurse got there,
13 I believe. It was after that.
14   Q.   So you went back to the book?
15   A.   I asked if she wanted me to log
16 it in, and she said go ahead and log it in.
17   Q.   Who did you ask?
18   A.   Sergeant Jackson.
19   Q.   On this occasion, you went back to
20 the book and logged in something that had
21 previously occurred?
22   A.   Well, it had occurred, but I
23 couldn't get back to my book until I got
24 over there for that time.
25   Q.   How did you know the time?

COMPU-TRAN SHORTHAND REPORTING

119

MICHAEL OLIVER

1
2   A.   A couple minutes after the other
3 people got there.
4   Q.   You based it on a few minutes
5 after Sergeant Jackson's time?
6   A.   Yes.
7   Q.   This was not based on your own
8 personal recollection?
9   A.   No.
10   Q.   With respect to that entry, did
11 you have any conversations with Waters or
12 Jackson or anybody else about making it?
13   A.   No.
14   Q.   So, you made the 1352 entry after
15 1352; correct?
16   A.   Yes.
17   Q.   Do you recall how long after?
18   A.   No. Pretty much right after. It
19 was in that vicinity. I don't know exactly
20 what time it was.
21   Q.   Within five minutes?
22   A.   Yes.
23   Q.   You made both entries 1374 and
24 1375 at the same time?
25   A.   Yes.

COMPU-TRAN SHORTHAND REPORTING

118

MICHAEL OLIVER

1
2   A.   That's what Sergeant Jackson told
3 me.
4   Q.   She told you the time?
5   A.   Yeah.
6   Q.   Do you know how she knew the time?
7   A.   I assume her watch, but I don't
8 know.
9   Q.   Do you know what the time was that
10 she was giving you?
11   A.   That was the time I called her on
12 the radio.
13   Q.   When you called her on the radio,
14 where were you?
15   A.   In front of the cell.
16   Q.   Then the next entry 1375 at 1352,
17 Nurse Waters, that entry, when did you make
18 that?
19   A.   That was when I made the 1349
20 one.
21   Q.   What time were you noting there?
22   A.   I put down 1352. I think that's
23 what time she got there, but I wasn't
24 positive.
25   Q.   What do you base that on?

COMPU-TRAN SHORTHAND REPORTING

120

MICHAEL OLIVER

1
2   Q.   Do you specifically recall that
3 the entry for the bible study was already in
4 there --
5   A.   Yes.
6   Q.   -- at the time you made the entry
7 1374 and 1375?
8   A.   Yes. It was already in there.
9   Q.   You're sure about that?
10   A.   Yes.
11   Q.   Do you recall what caused you to
12 change the entry in terms of the time for
13 the bible study?
14   A.   I have no idea.
15   Q.   You have no recollection as you
16 sit here today?
17   A.   No. I don't know why I changed
18 it.
19   Q.   Approximately how long did it take
20 you to gather the inmates who were coming
21 down from bible study and put them in the
22 room?
23   A.   A couple minutes.
24   Q.   You say that they arrived within
25 one or two of each other?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 A. Yes.
3 Q. Where were you when they were
4 arriving?
 A. Over by the desk which is by the
6 program rooms.
7 Q. Are you gathering them towards the
8 location of the podium?
9 A. Kind of.
10 Q. After they all arrived after one
11 or two minutes, it took you a couple minutes
12 to put them in the room?
13 A. No. It was probably a minute,
14 not even.
15 Q. With respect to your log entries,
16 you indicate at 1339 that you were doing a
17 check of the North Housing Unit; correct?
18 A. Yes.
19 Q. So, do you have a recollection as
20 you sit here today of actually doing the
21 check at 1339?
22 A. I remember doing it.
23 Q. Do you recall when you made that
24 entry?
25 A. When I got back to my desk.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 Q. When you got back to your desk, it
3 was 1339?
4 A. Yes.
5 Q. Then the inmates came for the
6 bible study?
7 A. Yeah. As I was coming back to my
8 desk, they were at the gate 13.
9 Q. Do you recall if you were able to
10 complete all of the bible study duties in
11 the three minutes, meaning between 1339 when
12 you got back to your desk and 1342 when you
13 wrote down?
14 A. They were already at the gate.
15 The biggest part is waiting for them to get
16 gathered up at the unit to come down. Once
17 they're down there, it takes a minute or two
18 to get them in the room.
19 Q. What time did you use on that,
20 your watch or the clock?
21 A. The clock.
22 Q. Do you know if there's any records
23 kept other than your logbook entry with
24 respect to the bible study program?
25 A. Bible study program, no.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 Q. With respect to your check at
3 1339, there's no indication of what Spencer
4 was doing at that time; correct?
5 A. Correct.
6 Q. Same thing with respect to your
7 entry at 1325?
8 A. Yes.
9 Q. Do you have any recollection as
10 you sit here today as to any observations
11 you made of Spencer after 1313 and before
12 1349?
13 A. He was laying in his bed.
14 Q. On all occasions?
15 A. Yes.
16 Q. What happened after you observed
17 Spencer hanging?
18 A. I got on my radio, and I called
19 for all available officers to respond to
20 cell seven.
21 Q. Is the radio something you carry?
22 A. Yes.
23 Q. Then what happened?
24 A. When the first Officer Blanchard
25 got there, I told her to go over and get the

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 scissors out of the trauma kit.
3 Q. Anything else?
4 A. For her? No, she went and got
5 the scissors. I believe sergeant -- I'm not
6 sure who the next person that got there was.
7 I think it was Sergeant Jackson, but I'm not
8 positive.
9 Q. Then what happened?
10 A. Officer Blanchard came back with
11 the scissors and I took them and went in the
12 cell and cut him down.
13 Q. Where were you at the time you cut
14 him down in the cell?
15 A. I was in the cell, standing on
16 his bed next to him.
17 Q. Did you have any assistance in
18 that?
19 A. No. Nobody else came in with
20 me. They were all outside the gate.
21 Q. What happened?
22 A. When I cut the sweatshirt, he
23 fell to the ground. I believe he hit his
24 head on the desk when he went down.
25 Q. You believe or he did?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 A. It made a thud. I believe he hit
3 the desk or the chair of the desk.
4 Q. Do you know one way or another?
5 A. No. I didn't see where his head
6 hit. It sounded like it hit the desk.
7 Q. Are you sure that his head hit?
8 A. No, I didn't see. I was looking
9 up.
10 Q. Did anybody say anything?
11 A. No.
12 Q. Prior to cutting him down, did you
13 have any interaction with him, physical
14 contact, communication, anything?
15 A. I said hey. Hey. Hey. I don't
16 remember what I was saying. I was in a
17 state of shock. I know I yelled at him, but
18 he didn't respond or anything.
19 Q. What happened after he fell to the
20 ground?
21 A. I believe Sergeant Jackson had me
22 step out of the cell, and she sent me back
23 over to my desk.
24 Q. Who was there in the cell at that
25 time?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 A. I believe I saw in that area
3 right at the cell, I believe Nurse Waters
4 had shown up. Officer Wendover. Officer
5 Bartley. Officer Blanchard, Sergeant
6 Jackson, I believe, were there.
7 Q. Did you at the time have the
8 conversation with Jackson that you testified
9 to earlier?
10 A. It was about that time I said do
11 you want me to log this into the logbook and
12 she said yes.
13 Q. That's when you went back to your
14 desk?
15 A. Yes.
16 Q. What, if anything, did you do next
17 after making the log entries?
18 A. I went through and locked the
19 rest of the unit down, whoever was out of
20 their cells.
21 Q. Anything else that you did?
22 A. That I did, no. Not that I
23 remember. I went back and sat outside of
24 the unit.
25 Q. Where outside of the unit?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 A. Over by the officers desk.
3 Q. Did you have any communications
4 with anybody?
5 A. Not at that time.
6 Q. When for the first time?
7 A. I believe it was when
8 Investigator Nalbone or Nappi came down.
9 Q. Was that the same day?
10 A. Yes.
11 Q. What happened when Investigator
12 Nappi came down?
13 A. He took a statement from me.
14 Q. Did you meet with him?
15 A. Right down there, he did it in
16 the inmate phone room.
17 Q. Was anybody else present?
18 A. No.
19 Q. What, if anything, did he say to
20 you and what did you say to him?
21 A. He just asked me what happened.
22 Q. What did you say?
23 A. Pretty much what was in the
24 logbook.
25 Q. Did you have your logbook at the

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 time?
3 A. Did I have it, no.
4 Q. Who wrote the statement?
5 A. Investigator Nappi.
6 Q. At the time that you gave
7 Investigator Nappi your statement, had you
8 reviewed the times in the logbook?
9 A. He actually went and looked at
10 the logbook and asked me if that was right.
11 Q. So, he left the interview, went
12 and looked at the logbook and came back?
13 A. It was right next to the phone
14 room is where the desk was.
15 Q. You can see him going to look at
16 the logbook?
17 A. Yes.
18 Q. Before you responded that the
19 times were right that he gave you, did you
20 review the logbook yourself?
21 A. No. I can't remember if he
22 brought the logbook or had me come out with
23 him. I can't remember.
24 Q. Did you actually review the book
25 before you signed the statement?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 A. The whole book?
3 Q. The entries.
4 A. I think I looked at the time. He
showed me the time.
6 Q. Do you recall what time he was
7 showing you?
8 A. I believe it was 1339.
9 Q. And what occurred at that time?
10 A. Yeah. And what occurred at --
11 Q. What happened at 1339?
12 A. I checked the inmate, and he was
13 laying down.
14 Q. Take a look at your logbook there
15 for 1339. It says --
16 A. "Nine males all secured."
17 Q. It didn't say anything about him
18 laying down.
19 A. I know. He asked me and I told
20 him what he was doing.
21 Q. Nappi asked you?
22 A. Yes.
23 Q. Just so we're clear for the
24 record, the part about Spencer lying down is
25 not noted at the time 1339; correct?

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 A. Correct.
3 Q. After Nappi drafted the statement,
4 did you review it?
5 A. Yes.
6 Q. Did you make any changes to it?
7 A. No.
8 Q. Did you then sign it?
9 A. Yes.
10 Q. Did you understand when you signed
11 it you were signing it to attest to the
12 truth of the statements in there?
13 A. Yes.
14 Q. Did you understand you were doing
15 so under possible punishment of misdemeanor
16 or felony?
17 A. Yes.
18 Q. Have you reviewed anything since
19 May 20, 2006 with respect to the events of
20 that day?
21 A. No. Just when I met with the
22 lawyer last week or a couple weeks ago.
23 Q. Did you review any documents?
24 A. We went over some stuff real
25 quick.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 Q. What documents did you review
3 without telling me what you discussed? Tell
4 me what documents you reviewed.
5 A. My statement and I think that was
6 it. We talked a bit about --
7 Q. I don't want to know what you
8 talked about.
9 A. And he showed me -- I don't
10 remember what we looked over other than the
11 thing.
12 Q. Your statement?
13 A. Yeah, my statement.
14 Q. Did you review statements that
15 anyone else gave?
16 A. No.
17   MS. BERG: Let me have
18 marked as Exhibit 19, a copy of a
19 statement by the witness dated May 20,
20 2006.
21 (Whereupon, Plaintiff's Exhibit 19,
22 STATEMENT BY WITNESS DATED 5/20/06, was marked
23 for identification.)
24 Q. Take a look at Exhibit 19. Is
25 that the statement you gave to Investigator

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 Nappi?
3 A. Yes.
4 Q. Did he write this down as you were
5 telling him about the events of the day?
6 A. Yes.
7 Q. Do you recall when in connection
8 with the statement you went out and looked
9 at the book? Was it before, during or after
10 he made the writing?
11 A. I think it was during.
12 Q. In terms of the events, the third
13 sentence, "At the morning debriefing, I was
14 made aware that Inmate Spencer Sinkov in NHU
15 cell seven was on a 15-minute supervisory
16 check;" do you see that?
17 A. Yes.
18 Q. You don't indicate anywhere that
19 the reason for the 15-minute check was
20 communicated to you, do you?
21 A. No.
22 Q. Was there some reason you didn't
23 indicate that?
24 A. No. I just told him he was on
25 15-minute supervisory check.

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2   Q.   "When you say Inmate Sinkov ate
3 his breakfast this morning and brought his
4 tray out to me;" do you see that?
5   A.   Yes.
6   Q.   Did he actually leave the cell?
7   A.   He came out through -- it's only
8 as wide as this table between the cell to
9 the gate outside the cell. It's a little
10 day room. He brought it from the cell to
11 the gate at the outer gate.
12   Q.   Even though he was unclassified,
13 he was permitted to do that?
14   A.   They can't stay out of their cell
15 all day.
16   Q.   Did he come out of the cell at any
17 other point?
18   A.   Just when he came out for the
19 visit and for the lunch.
20   Q.   Did he bring the lunch tray to
21 you?
22   A.   Yeah. He had to come out of the
23 cell, walk across to get the tray and walk
24 back to the cell. It's not a big day area.
25   Q.   You then say he didn't ask me any
COMPU-TRAN SHORTHAND REPORTING

135

MICHAEL OLIVER

1
2 time.
3   Q.   Do you remember one way or
4 another?
5   A.   I don't remember one way or
6 another. To get the exact time, we probably
7 did.
8   Q.   You don't indicate any interaction
9 outside of medical; correct?
10   A.   No.
11   Q.   Is there some reason you didn't
12 indicate that?
13   A.   I didn't think much of it.
14   Q.   At the bottom, it says at 13 --
15 then there's a number which appears to be
16 written over -- nine hours, I did -- do you
17 see that?
18   A.   Yes.
19   Q.   And your initials appear below it?
20   A.   Yes.
21   Q.   Do you recall what the initial
22 time was?
23   A.   He wrote 1349.
24   Q.   What did you do, if anything?
25   A.   I said it was actually 1339. He
COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 questions?   Why did you say that?
3   A.   He asked me did he ask me
4 anything.
5   Q.   Who asked you that, Nappi?
6   A.   Yes.
7   Q.   Do you know why he asked you that?
8   A.   I have no idea.
9   Q.   Did he ask you if you had any
10 conversation with Sinkov?
11   A.   I think he did, but I don't
12 remember what exactly he said.
13   Q.   With respect to the visit, you say
14 he came back from the visit at 1107 hours?
15   A.   I think that's a two.
16   Q.   That should be 1102 hours?
17   A.   I think. I'm not positive
18 without looking at the logbook entry.
19   Q.   You have the logbook in front of
20 you as Exhibit 10?
21   A.   It's 1107.
22   Q.   Do you recall if you verified that
23 in the logbook at the time you gave the
24 statement to Nappi?
25   A.   We probably did to get the exact
COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 scribbled it out and told me to put my
3 initials on it.
4   Q.   Do you recall how it was that that
5 change came about?
6   A.   I think because he wrote down
7 1349 and I said that's wrong.
8   Q.   Was that when you were reviewing
9 the completed statement or before it was
10 done?
11   A.   I think it was afterwards when he
12 told me to read it.
13   Q.   At that point in time, you
14 indicated what he wrote was incorrect?
15   A.   Yes.
16   Q.   On this occasion, you didn't cross
17 it out and write a new entry?
18   A.   He did. I didn't write it. He
19 wrote over it and told me to put my
20 initials.
21   Q.   Did you review the logbook to
22 verify that time?
23   A.   Yes. I believe that's how we got
24 that.
25   Q.   You say at about 1349 hours, I was
COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2 walking through the unit. Do you recall
3 what you were doing at that point in time?
4 In other words, why you were walking through
5 the unit?
6   **A.   I was going to go through the**
7 **unit and take out the other inmates for a**
8 **smoke break. I walked around that way.**
9   Q.   At the bottom you write, "At this
10 time, the nurse was on the scene;" do you
11 see that sentence?
12   **A.   Yes.**
13   Q.   Above that, "Sinkov fell to the
14 ground. His head hit the desk when he fell
15 down"?
16   **A.   Yes.**
17   Q.   Do you recall why you noted that?
18   **A.   He asked me what happened.**
19   Q.   Do you recall now that it was the
20 desk and not the chair?
21   **A.   I believe it was -- I just said**
22 **desk because I believe that's what it was.**
23 **That was the closest thing.**
24   Q.   But you're not sure?
25   **A.   I'm not positive. 90 percent**

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

2   **A.   Which one? About the log entry?**
3   Q.   Yes.
4   **A.   He didn't ask me.**
5   Q.   Was Susan Waters there at the time
6 that you cut the sweatshirt?
7   **A.   I don't believe she was there**
8 **yet.**
9   Q.   Did you make any observations as
10 to how long she or anybody else conducted
11 CPR?
12   **A.   No. I was out of there. Out of**
13 **the cell block.**
14   Q.   You write, "I left the unit and
15 locked all the inmates in their cells. I
16 then went to the desk to start documenting
17 the time for my logbook;" do you recall
18 that?
19   **A.   Yes.**
20   Q.   Do you recall that you locked the
21 inmates down before you made the entry in
22 the logbook or vice versa, as you testified
23 to today?
24   **A.   It might have been vice versa. I**
25 **can't remember at the time.**

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MICHAEL OLIVER

2 **sure it was the desk.**
3   Q.   With respect to the next sentence,
4 "At this time, the nurse was on the scene,"
5 that was Waters?
6   **A.   Yes.**
7   Q.   Do you recall if she arrived
8 before you went into Spencer's cell or
9 after?
10   **A.   I believe it was after, but I'm**
11 **not positive.**
12   Q.   You said she went inside and
13 started CPR. One of the C.O.s assisted her;
14 correct?
15   **A.   I think they were all there. I**
16 **don't know exactly who did what at that**
17 **point in time.**
18   Q.   You did make these statements
19 under penalty of perjury?
20   **A.   I saw one of the C.O.s going down**
21 **towards him, but I don't know exactly what**
22 **he did.**
23   Q.   In terms of the conversation with
24 Sergeant Jackson, you don't note that
25 anywhere in here as well?

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MICHAEL OLIVER

2   Q.   Did there come a time when you
3 learned that the State Commission of
4 Correction was conducting an investigation?
5   **A.   Yes.**
6   Q.   How did you find out about that?
7   **A.   They told us after it initially**
8 **happened that they would be doing an**
9 **investigation because it's something they**
10 **always do.**
11   Q.   Who told you that?
12   **A.   I believe it was probably one of**
13 **the sergeants that said it.**
14   Q.   Do you recall who?
15   **A.   No.**
16   Q.   Did you have any conversations
17 with anybody about it?
18   **A.   No.**
19   Q.   Did you ever speak with anybody
20 who you understood to be from the
21 commission?
22   **A.   Yes.**
23   Q.   Who?
24   **A.   I don't know their names. It was**
25 **two investigators.**

COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

Q. Do you recall when?

A. **It was in August of 2006.**

Q. Do you recall anything about -- was anybody else present?

A. **Just those two guys.**

Q. Do you recall what they said and you said?

A. **Not really. It was pretty much the same thing as this.**

Q. Did they have your statement at the time?

A. **Yes.**

Q. Did they show it to you?

A. **Yes.**

Q. Do you recall anything specific that they asked you?

A. **No. Pretty much it was basically like my statement as I recall.**

Q. How long did you meet with them for?

A. **Probably 20 minutes.**

Q. Did you provide them with anything in writing?

A. **I don't think so. Just whatever**

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MICHAEL OLIVER

they had.

Q. Did you observe them take any notes?

A. **I believe they were taking notes.**

Q. Did they ask you to sign anything?

A. **No.**

Q. Did you consult with anybody about that investigation prior to meeting with the investigators?

A. **No.**

Q. Did anybody ever ask you what you told the investigators?

A. **No.**

Q. Other than what's in your handwritten statement Exhibit 19, anything specific that you can recall saying to the investigators?

A. **No.**

Q. Anything specific that they asked you?

A. **No.**

Q. Did they ask you about the change of the time on the bottom of page one?

A. **No. Not that I remember.**

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MICHAEL OLIVER

Q. Do you recall if when you made the change to the time if it said 1319 as opposed to 1349?

A. **No, it says 1349.**

Q. Did you ever come to learn that the State Commission of Correction had issued a report regarding Spencer's death?

A. **I had heard through the grapevine there was a report.**

Q. Do you recall who you heard it from?

A. **Just officers at the jail said there was a report out.**

Q. Do you recall anything about what was contained in the report?

A. **No.**

Q. Did you ever see it?

A. **No.**

Q. I show you Exhibit 13, unsigned document. Did you ever see that before?

A. **No.**

Q. Do you have any understanding as to who sent that?

A. **I have no idea.**

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MICHAEL OLIVER

Q. The first paragraph says, "I work for the Putnam County Sheriff's Department in the corrections division. Your office must be on the way down to our office." Then it continues, "The reason I can assume this is because our captain is running around updating the logbooks that are never used and coming out with new policies and procedures;" do you see that?

A. **Yes.**

Q. Do you recall that happening at any point in time?

A. **No.**

Q. Did anybody ever ask you any questions about this anonymous letter?

A. **No. I never heard of it until now.**

Q. The second page, second paragraph, "Just a few days before the commission arrived to interview everyone involved in the suicide, May 2006, the captain changed the policy and procedure to cover the department and essentially making Sergeant LaPolla and Officer Vasaturo look like they**

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MICHAEL OLIVER

1 did not follow this procedure."
2   Did you ever have any
3 conversations with anybody about that?
4   A.   No.
5   Q.   Did you make any observations with
6 respect to any changed policy and procedure?
7   A.   **I know we had policies and**
8 **procedures come out. I don't know what**
9 **exactly they were.**
10   Q.   Have you ever been the subject of
11 any kind of disciplinary action?
12   A.   No.
13   Q.   Did anybody ever indicate to you
14 that action against you is being
15 contemplated in connection with Spencer's
16 death?
17   A.   No.
18   Q.   Were you working at the facility
19 when Norberto Rivera committed suicide?
20   A.   **I was employed. I was not**
21 **working.**
22   Q.   Do you recall if you had any
23 interactions with him?
24   A.   **I believe I may have.**

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MICHAEL OLIVER

1   Q.   Do you recall as you sit here
2 today?
3   A.   **I may have worked the unit with**
4 **him once, but I don't remember. I remember**
5 **the two inmates getting arrested, but I**
6 **don't remember him per se.**
7   Q.   Do you recall if you were involved
8 in the booking or intake of Rivera?
9   A.   **Not that I know of.**
10   Q.   Do you recall if you had any
11 requirement of 15 minute or other type of
12 supervision over him?
13   A.   **I don't think I did.**
14   Q.   Did you ever have any
15 communications with anybody from Americor
16 about Spencer?
17   A.   No.
18   Q.   Including Waters?
19   A.   No.
20   Q.   Did you ever speak with, other
21 than what you testified to, Sergeant Jackson
22 on any other occasions about Spencer?
23   A.   No.
24   Q.   You never had any conversations

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MICHAEL OLIVER

1 with Vasaturo or LaPolla?
2   A.   No.
3   Q.   Did you ever have any
4 conversations with Barkley, was it?
5   A.   **Bartley. About this incident,**
6 **no.**
7   Q.   How about with Blanchard?
8   A.   No.
9   MS. BERG: Give me a couple
10 minutes to talk to my client.
11   (Recess taken)
12 CONTINUED EXAMINATION BY
13 MS. BERG:
14   Q.   Before May 20, 2006, what would
15 you have done with respect to the level of
16 supervision had an incoming inmate scored
17 eight or higher on the suicide screening
18 form?
19   MR. RANDAZZO: Objection to
20 the form.
21   MR. KLEINBERG: Objection.
22   MR. RANDAZZO: You can
23 answer.
24   THE WITNESS: I can

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MICHAEL OLIVER

1 answer?
2   MR. RANDAZZO: Yes.
3   A.   **I would have probably put him on**
4 **a constant watch, but I would have told the**
5 **sergeant what it was, have him look at it.**
6   Q.   How about if a shaded box was
7 checked on the form prior to May 20, 2006?
8   MR. RANDAZZO: Objection to
9 the form.
10   A.   **Just one shaded box?**
11   Q.   Yes.
12   A.   **It depends what shaded box. I'd**
13 **probably tell the sergeant what it was and**
14 **why it was and why I put him on 15.**
15   Q.   Any change in what you would have
16 done after May 20, 2006?
17   MR. RANDAZZO: Objection to
18 the form.
19   MR. KLEINBERG: Objection.
20   A.   **As far as which one? The last**
21 **question?**
22   Q.   Any of them?
23   A.   **For me personally, probably not;**
24 **because if he had eight or more, I probably**

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MICHAEL OLIVER

1
2 would have put him on constant watch anyway.
3   Q.   In other words, would there have
4 been any change in how you would have
5 approached the situation in light of the
6 policies that came out in the summer 2006?
7   MR. RANDAZZO: Objection to
8   the form.
9   You can answer.
10   A.   No. What was on the old form was
11 basically kind of the same thing except it
12 didn't say -- the old form didn't say you
13 had to put him on a constant watch. It's a
14 judgment call.
15   Q.   Is there a new form?
16   A.   You have the one you showed me
17 before. I don't know if that's a new form
18 or not.
19   Q.   Are you familiar with methadone at
20 all?
21   A.   I know of it.
22   Q.   Are you aware of any provisions in
23 the Putnam County Correctional Facility with
24 respect to methadone for inmates?
25   A.   As far as I know, we don't do
              COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 methadone treatment. I believe I've seen it
3 done once.
4   Q.   Do you know -- what do you base
5 your statement on that we don't do methadone
6 treatment?
7   A.   As far as I know, they don't do
8 methadone when inmates come in. I could
9 have sworn I heard the nurse say we don't do
10 methadone.
11   Q.   Do you recall which nurse?
12   A.   No.
13   Q.   Do you recall when that was?
14   A.   No. I know we've had a few
15 inmates come in on methadone and they've
16 been told that they don't do methadone.
17   Q.   In connection with individuals
18 that come into the facility either impaired
19 by or having recently used drugs or alcohol,
20 who makes the determination as to whether
21 they're going to need a heightened level of
22 supervision?
23   A.   It would probably be the booking
24 officer back then.
25   Q.   Have you received any training or
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MICHAEL OLIVER

1
2 instruction with respect to what to look for
3 in making that determination?
4   A.   No. Basically, it would be how
5 you're acting. If you can answer questions,
6 if you're stumbling over. If you seem
7 coherent, if you're not coherent. I believe
8 that's what they go by.
9   Q.   Did you ever receive any training
10 or instruction with respect to withdrawal
11 from drugs or alcohol and the timing of
12 those symptoms?
13   A.   I believe we may have had limited
14 training on it.
15   Q.   Do you recall when?
16   A.   No. I believe it was part of the
17 suicide prevention training.
18   Q.   Early on or the refresher course?
19   A.   It was probably the refresher
20 course but I'm not positive.
21   Q.   You don't recall one way or
22 another?
23   A.   I think it's mostly referring to
24 alcohol withdrawal.
25   Q.   Do you recall any training
              COMPU-TRAN SHORTHAND REPORTING

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MICHAEL OLIVER

1
2 specific to drug withdrawal?
3   A.   No.
4   Q.   Anything about the timing of when
5 symptoms appear or peak?
6   A.   No.
7   Q.   Do you recall if you were ever
8 trained with respect to what to look for in
9 terms of anybody withdrawing from opiates
10 such as heroin?
11   A.   Heroin from past experience,
12 people are sick, throwing up, on the toilet
13 a lot. Maybe going into convulsions or
14 something like that. Shaking a lot.
15   Q.   Did you receive that information
16 in training?
17   A.   I don't know if we actually had
18 training on it or just from passing, inmates
19 that have come in that were highly under the
20 influence of heroin.
21   Q.   Do you recall if you were ever
22 instructed or trained that with respect to
23 symptoms of withdrawal, sometimes they don't
24 appear for 24 to 48 hours?
25   A.   No.
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MICHAEL OLIVER

1
2 Q. Nobody ever told you that?
3 A. I don't think so.
4 Q. Did anybody ever indicate to you
that symptoms typically do not peak for 48
6 hours?
7 A. No.
8 Q. Did you ever receive any training
9 or in your experience learn that feeling
10 cold or having chills is a symptom of
11 withdrawal?
12 A. From our training, no.
13 Q. Or in your experience?
14 A. In my experience, I've seen
15 inmates shaking -- yes.
16 Q. With respect to Spencer, you
17 indicated when he went out for the visit, he
18 had on a sweatshirt?
19 A. I believe so.
20 Q. You told him to get dressed?
21 A. Yes.
22 Q. And that required him to put a
23 brown shirt over the sweatshirt?
24 A. Yes.
25 Q. Is it a separate piece or part of
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MICHAEL OLIVER

1
2 sweatshirt on?
3 A. I don't think so.
4 Q. Are you sure?
5 A. No. Not positive.
6 Q. During the time that the inmates
7 are eating breakfast and/or lunch, are you
8 required to do the supervisory checks?
9 A. Yes.
10 Q. Are you aware of who in the
11 facility makes a determination as to whether
12 an inmate needs medication in terms of
13 withdrawal from drugs or alcohol?
14 A. Medical staff. I'm not positive
15 who would do it.
16 Q. Did you ever receive any
17 instruction or guidance as to who is
18 responsible for making those determinations?
19 A. No.
20 Q. Are there any answers you've given
21 that you want to modify or change at this
22 time?
23 A. No.
24   MS. BERG: I don't have
25 anything else.
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MICHAEL OLIVER

1
2 the pants?
3 A. It's two piece.
4 Q. With respect to when you found
5 Spencer at or about 1349, you indicated that
6 he was hanging from the cell bars by his
7 sweatshirt; correct?
8 A. Yes.
9 Q. Did you ever observe him remove
10 his sweatshirt?
11 A. No.
12 Q. Did you have any understanding as
13 to when he did it?
14 A. He didn't have his sweatshirt on
15 at lunch.
16 Q. He did not?
17 A. No. He had his T-shirt on.
18 Q. Did he ever put it back on?
19 A. I don't think so.
20 Q. When you observed him lying down
21 after lunch, was he under the covers?
22 A. He was under his blanket.
23 Q. He was?
24 A. Yes.
25 Q. Do you know if he had the
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MICHAEL OLIVER

1
2   MR. KLEINBERG: I have no
3 questions.
4   MS. MARGOLIS: I have no
5 questions.
6   MR. RANDAZZO: That's it.
7
8   o0o
9
10 (Time noted: 12:42 p.m.)

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02/19/2008 11:54:32 AM

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```
 1
 2   UNITED STATES DISTRICT COURT  )
 3                    ss:
 '   SOUTHERN DISTRICT OF NEW YORK  )

 6
 7        I, MICHAEL OLIVER, the witness
 8   herein, having read the foregoing testimony of
 9   the pages of this deposition, do hereby certify
10   it to be a true and correct transcript, subject
11   to the corrections, if any, shown on the
12   attached page.
13
14
15            oOo
16
17
18
19        _____
20        MICHAEL OLIVER
21
22   Subscribed and sworn to before me
23   this ____ day of _____, 2008.
24
25   _____
        COMPU-TRAN SHORTHAND REPORTING
```

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```
 1   STATE OF NEW YORK  )
 2                      ) ss
 3   COUNTY OF ROCKLAND )
 4
 5
 6
 7        I, Tracy Smith, Notary Public within
 8   and for the State of New York, do hereby
 9   certify:
10
11        That I reported the proceedings in the
12   within entitled matter, and that the within
13   transcript is a true record of said
14   proceedings.
15
16        I further certify that I am not
17   related to any of the parties to the action by
18   blood or marriage, and that I am in no way
19   interested in the outcome of this matter.
20
21        IN WITNESS WHEREOF, I have hereunto
22   set my hand this 8th day of February, 2008.
23
24        _____
         TRACY SMITH,
         NOTARY PUBLIC
25
        COMPU-TRAN SHORTHAND REPORTING
```

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```
 1
 2        ***I N D E X***
 3
 4        PAGE#    LINE#
 5
 6   EXAMINATION BY:
 7   MS. BERG              4        10
 8
 9
10   DOCUMENT/DATA REQUESTED:
11
12   Call for the production of   29      17
     anything that's in the
13   booking room currently or
     in the past with respect to
14   notification to the
     sergeant or the
15   undersheriff
16
17
18   PLAINTIFF'S EXHIBITS:
19
20   18  PROCEDURE, SUBJECT:   53      6
         HOUSING UNIT
21       SUPERVISION LOGBOOK
         ENTRIES
22   19  STATEMENT BY WITNESS  131     22
         DATED 5/20/06
23
24
25
        COMPU-TRAN SHORTHAND REPORTING
```

```
1
2                  ***I N D E X *** (Cont'd)
3
4                     PAGE#     LINE#
5
6   DEFENDANT'S EXHIBITS:
7
8       NONE
9
10
11  RULINGS CONTEMPLATED:
12
13      NONE
14
15
16
17
18
19
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25      COMPU-TRAN SHORTHAND REPORTING
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